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Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4310]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF J. H. THORP & COMPANY, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties.* Representing, in connection with offer, etc., in commerce, of respondent's textile fabric products, (1) by the use of the word "sunfast" or any other word of similar import or meaning, that the colors of respondent's textile fabric products will not change color, or lose color, or otherwise deviate from their original color when exposed to the light of the sun; (2) by the use of the terms "tubfast", or "washable", or any other term or terms of similar import or meaning, that its said products will not "bleed" or lose color, or otherwise deviate from their original colors or designs when washed or laundered; (3) by the use of the term "fadeless" or any other term or terms of similar import or meaning, that its said products will not "bleed" or lose color, or otherwise deviate from their original colors or designs when washed or laundered, or exposed to the light of the sun; and (4) in any manner or by any means, that the colors of its said products will not change color, or will not fade, or will not deviate from their original color when exposed to the light of the sun, or when washed or laundered; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, J. H. Thorp & Company, Inc., Docket 4310, June 28, 1941]

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 28th day of June, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure, and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, J. H. Thorp & Company, Inc., a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its textile fabric products in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing by the use of the word "sunfast" or any other word of similar import or meaning, that the colors of respondent's textile fabric products will not change color, or lose color, or otherwise deviate from their original color when exposed to the light of the sun;

(2) Representing by the use of the terms "tubfast", or "washable", or any other term or terms of similar import or meaning, that respondent's textile fabric products will not "bleed" or lose color, or otherwise deviate from their original colors or designs when washed or laundered;

(3) Representing by the use of the term "fadeless" or any other term or terms of similar import or meaning, that respondent's textile fabric products will not "bleed" or lose color, or otherwise deviate from their original colors or designs when washed or laundered, or exposed to the light of the sun;

(4) Representing in any manner or by any means that the colors of respondent's textile fabric products will not change color, or will not fade, or

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will not deviate from their original color when exposed to the light of the sun, or when washed or laundered.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4923; Filed, July 10, 1941;
12:20 p. m.]

[Docket No. 4418]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF HY-PHEN CORPORATION

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:*
§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:*
§ 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., in connection with offer, etc., of respondent's Hy-Phen preparation, or any other substantially similar product, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that the use of said preparation will prevent colds; that it is a cure or remedy for colds; that it has any therapeutic properties other than an analgesic affording temporary relief from painful symptoms or will have any curative action upon the underlying factors that cause pain; that it contains any ingredients or possesses any special therapeutic properties which cause it to relieve such painful symptoms more quickly or for a longer period of time than many other preparations on the market; that the extent of its effectiveness in the treatment of colds, toothaches, earaches, after-extraction conditions, and women's periodic conditions is any more than to furnish temporary relief from the painful symptoms thereof; that it has any therapeutic value in the treatment of such conditions as migraine headaches, infectious diseases, headaches due to in-

fection, pains caused by abscessed teeth or by pressure on nerves; or that its use is entirely free from danger; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hy-Phen Corporation, Docket 4418, June 30, 1941]

In the Matter of Hy-Phen Corporation, a Corporation, (Successor to Bradley's Laboratory, Inc., a Corporation)

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Hy-Phen Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its preparation designated Hy-Phen, or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisements (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent, directly or through inference:

That the use of said preparation will prevent colds; that it is a cure or remedy for colds; that it has any therapeutic properties other than an analgesic affording temporary relief from painful symptoms, or that it will have any curative action upon the underlying factors that cause pain; that it contains any ingredients or possesses any special therapeutic properties which cause it to relieve such painful symptoms more quickly or for a longer period of time than many other preparations on the market; that the extent of its effectiveness in the treatment of colds, toothaches, earaches, after-extraction conditions, and women's periodic conditions is any more than to furnish temporary relief from the painful symptoms thereof; that it has any therapeutic value in the treatment of

¹ 6 F.R. 2297.

such conditions as migraine headaches, infectious diseases, headaches due to infection, pains caused by abscessed teeth or by pressure on nerves; or that its use is entirely free from danger.

(2) Disseminating or causing to be disseminated any advertisements by any means for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisements contain any of the representations prohibited in paragraph (1) hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4924; Filed, July 10, 1941;
12:20 p. m.]

TITLE 24—HOUSING CREDIT

CHAPTER V—FEDERAL HOUSING ADMINISTRATION

PART 502—CLASS 3 PROPERTY IMPROVEMENT LOANS

CORRECTION OF TYPOGRAPHICAL ERROR

Part 502 as published July 9, 1941, 6 F.R. 3325, contained a typographical error in that it stated "Issued at Washington, D. C., July 28, 1941" whereas it should have stated "Issued at Washington, D. C., June 28, 1941".

Issued at Washington, D. C., July 10, 1941.

[SEAL]

ABNER H. FERGUSON,
Federal Housing Administrator.

[F. R. Doc. 41-4938; Filed, July 11, 1941;
11:05 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5060]

PART 186—GAUGING MANUAL

By virtue of and pursuant to the provisions of sections 2808 and 3176, Internal Revenue Code, subparagraphs (a), (f),

and (j), Paragraph 60 of the Gauging Manual,¹ approved November 21, 1938, are hereby amended to read as follows:

§ 186.60 *Kind of spirits branded on barrel.* (a) The proof at which the spirits other than spirits derived from fruit were distilled shall be shown by the legend "Distilled 190 Proof or over," "Distilled between 160 and 190 Proof," or "Distilled not over 160 Proof," as the case may be, in letters and figures not less than one-half inch in height. The following symbols may be used as the equivalent of the specified markings: "D 190 P" for "Distilled 190 Proof or over," "D 160-190 P" for "Distilled between 160 and 190 Proof," and "D 160 P" for "Distilled not over 160 Proof."

The proof at which spirits derived from fruit were distilled shall be shown by the legend "Distilled 190 Proof or over," "Distilled between 170 and 190 Proof," or "Distilled not over 170 Proof," as the case may be, in letters and figures not less than one-half inch in height. The following symbols may be used as the equivalent of the specified markings: "D 190 P" for "Distilled 190 Proof or over," "D 170-190 P" for "Distilled between 170 and 190 Proof," and "D 170 P" for "Distilled not over 170 Proof."

(f) Spirits obtained solely from the fermented juice or mash of fruit distilled at less than 190 degrees of proof in such manner that the spirits possess the taste, aroma, and characteristics generally attributed to brandy shall be branded as follows:

(1) Brandy distilled on or after July 1, 1941, at more than 170° proof and less than 190° proof, shall be branded in the same manner as if distilled at a lower proof, except that the designation shall be qualified by the word "neutral," e.g., "neutral brandy," "neutral grape lees brandy," or "neutral grape pomace brandy," "neutral peach brandy," "neutral peach pomace brandy," etc.

(2) Brandy conforming to the standard for fruit brandy, as defined in Regulations 5, Relating to Labeling and Advertising of Distilled Spirits, as amended, derived exclusively from grapes, shall be branded "grape brandy" or "brandy"; and fruit brandy, other than grape brandy, derived exclusively from one variety of fruit, shall be designated by the word "brandy," qualified by the name of such fruit (e. g., "peach brandy,"

"apple brandy," "orange brandy"), except that "apple brandy" may be designated "applejack." Fruit brandy distilled from more than one variety of fruit shall be branded "fruit brandy," qualified by a statement of composition (e. g., "fruit brandy -----% grapes and -----% blackberries.")

(3) Brandy that conforms to the standard for fruit brandy except that it has been derived from sound dried fruit, or from the standard wine of such fruit, shall be branded "dried fruit brandy." Brandy derived from raisins, or from raisin wine, shall be branded "raisin brandy." Other brandies defined in this paragraph shall be designated in the same manner as fruit brandy from the corresponding variety or varieties of fruit except that the name of the fruit shall be qualified by the word "dried."

(4) Brandy distilled from the lees of standard grape, citrus, or other fruit wine, shall be branded "lees brandy," qualified by the name of the fruit from which such lees are derived (e. g., "grape lees brandy.")

(5) Brandy distilled from the skin and pulp of sound, ripe grapes, citrus or other fruit, after the withdrawal of the juice or wine therefrom, shall be branded "pomace brandy," or "marc brandy," qualified by the name of the fruit from which derived (e. g., "grape pomace brandy.") Grape pomace brandy may be designated as "grappa" or "grappa brandy."

(6) "Substandard" brandy, as defined in Regulations No. 5, Relating to Labeling and Advertising of Distilled Spirits, as amended, shall bear as a part of its designation the word "substandard."

(j) Whisky, rye whisky, wheat whisky, malt whisky, rye malt whisky, bourbon whisky, or corn whisky, as defined in paragraphs (c) and (d) of this section, produced on or after March 1, 1938, or brandy as defined in paragraph (f) of this section, produced on or after July 1, 1941, which in whole or in part is treated with wood chips through percolation or otherwise, during distillation or storage, shall be further marked, either by branding or stenciling, with the words "Treated with oak chips."

[SEAL]

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: July 8, 1941.

HERBERT E. GASTON,

Acting Secretary of the Treasury.

[F. R. Doc. 41-4925; Filed, July 11, 1941;
9:10 a. m.]

¹ 5 F.R. 1214.

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION

[Docket No. A-39]

PART 322—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 2

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

The original petition in this matter was filed on September 27, 1940, by District Board 2, pursuant to section 4 II (d) of the Bituminous Coal Act, proposing and seeking the establishment of price classifications and minimum prices for coals not theretofore classified and priced. By an Order dated October 8, 1940, 5 F.R. 4092, the Director granted temporary relief in this matter, establishing minimum prices and price classifications set forth in "Temporary Schedule A", annexed to and made a part of that Order.

A petition for leave to intervene and answer was filed on October 9, 1940 by the Loyalhanna Fuel Company (hereinafter sometimes referred to as "Loyalhanna"), a code member in District 2, praying for temporary and permanent revision of the price classifications and minimum prices established by the Director in "Temporary Schedule A" for the coals of Loyalhanna's Maust No. 7 Mine (Mine Index No. 311).

After appropriate notice to interested parties an informal conference, pursuant to § 301.106 (d) of the Rules and Regulations Governing Practice and Procedure in 4 II (d) proceedings, was held on October 15, 1940, concerning the temporary relief sought in the Loyalhanna petition. Loyalhanna, District Boards 2 and 6, Keystone Coal and Coke Company ("Keystone"), Irwin Gas Coal Corporation ("Irwin Gas") and the Westmoreland Mining Company were represented. By an Order of the Director dated November 2, 1940, 5 F.R. 4398, the temporary price classifications for Loyalhanna coals were revised and reduced below those established in "Temporary Schedule A".

Pursuant to orders and notices of hearing issued by the Director, and after due notice to all interested parties, a public hearing was held in this matter before Charles S. Mitchell, an Examiner of the Division duly designated by the Director to conduct said hearing, between November 13 and 18, 1940.

At the hearing Loyalhanna filed an amended petition for permanent and further temporary relief, which was received subject to the decision of the Director on the objection of counsel for District

Board 2 in regard to paragraph 6 of said petition.¹ All interested parties were afforded an opportunity to be present, adduce evidence, cross examine witnesses, and otherwise be heard.

Pursuant to Loyalhanna's request in its amended petition for temporary relief, the Director, by Order dated December 26, 1940, further reduced the temporary classifications in Size Groups 2-9, for all shipments by rail except for railroad fuel, and also reduced the temporary minimum prices for truck shipments in Size Groups 2-11, below those which had been established for the coals of Loyalhanna's Maust No. 7 Mine in "Temporary Schedule A".

The Examiner submitted Proposed Findings of Fact and Conclusions of Law in this matter dated March 18, 1941, and an opportunity was afforded to all parties to file exceptions thereto and supporting briefs. Loyalhanna tardily filed Exceptions to the Proposed Findings of Fact and Conclusions of Law of the Examiner on April 15, 1941,² and on April 17 filed a motion to be permitted to file said exceptions late, and also a list of errata in said exceptions. There was no objection to such motion, and it is hereby granted. No other exceptions or briefs were filed by any party.

In the exceptions filed by Loyalhanna, the first contention is that the examiner's report fails to take into account the fact that Loyalhanna coals compete with those produced from the Jefferson Mine (Mine Index No. 272) of the Jefferson Coal and Coal Corporation and the Florence Mine (Mine Index No. 82) of the Harmon Creek Coal Corporation. This exception is not well taken for the report of the examiner expressly makes reference to the testimony in regard to the coals of both of such companies and in a Finding of Fact relating to this matter the report specifically states that the evidence indicates that Loyalhanna coals (which are in subdistrict 9) are not similar to Jefferson and Florence coals (which are in subdistrict 7). It might be added that coals of subdistrict 9 have generally been considered to be superior to coals of subdistrict 7.

The greater part of the Exception is concerned with a rather lengthy summary of some of the testimony adduced at the hearing in regard to price classifications and minimum prices for all shipments except railroad fuel. In excepting from the conclusions of the Examiner, it is alleged that the Examiner failed to consider certain testimony in support of Loyalhanna's claims that its

coals are inferior to coals which have been similarly classified. Support for this is thought to be found in the fact that the examiner's report fails expressly to refer to some testimony which Loyalhanna believes support its claims. An examination of the record reveals that a portion of such testimony is not specifically referred to in the examiner's report; but most of it, such as that relating to the stained appearance of Loyalhanna's coals, their lack of uniformity and other factors indicating their inferior quality, is specifically referred to in the examiner's report. An examiner's report is not deficient because it does not expressly refer to all the testimony of record. A report is certainly sufficient if it makes reference to all the relevant testimony which is controlling of the issues involved.

Surely it is not required of the examiner to discuss every shred of evidence, however relevant, however probative. To sift and summarize the evidence is an important function of the examiner. Because some testimony is not expressly referred to in the report does not mean that it was not considered, and that it was not accorded the weight to which the examiner thought it was entitled. The examiner's report in this matter was quite detailed and gives ample indication that all relevant testimony was thoughtfully considered. Nevertheless the Director has examined the record in the light of the charges made in the Exceptions and has concluded that the weight of the evidence clearly supports the findings of fact of the examiner and correspondingly fails to support the contentions of Loyalhanna.

Exception is also taken to the failure of the examiner's report to state that Counsel for District Board 2 did not make either an oral or written motion to strike paragraph 6 of Loyalhanna's amended petition and the evidence relating to railroad fuel.³ That no such motion was made is clear; but the examiner did not sustain the objection to the filing of the amended petition with Paragraph 6 included nor did he treat the evidence relating to railroad fuel as if it had been stricken. On the contrary, the examiner considered this evidence and made a Finding of Fact relating thereto. Accordingly this exception, too, is not well taken.

Exception was also taken to the recommendation of the Examiner that the recommended railroad fuel classification for Loyalhanna be suspended for fifteen days from the effective date of the final order of the Director in this matter, dur-

¹ Paragraph 6 of Loyalhanna's amended petition requested the establishment of certain price classifications and minimum prices for its coals produced from its Maust No. 7 Mine for sale to railroads for use as railroad locomotive fuel. Counsel for District Board 2 objected to this paragraph on the ground of surprise.

² Rule 301.110 requires exceptions to examiners' reports to be filed within fifteen days after the report is filed.

³ In stating that Counsel for District Board 2 moved to strike paragraph 6 of Loyalhanna's amended petition, the examiner's report was technically in error; the fact is that Counsel for District Board 2 objected to the filing of the amended petition so far as paragraph 6 was concerned. The distinction, however, is unimportant and the examiner's error of no consequence for the objection of District Board 2 was not sustained.

ing which time application to reopen the hearing in regard to such classification might be made to the Director. In view of the exception taken by Loyalhanna to the recommended railroad fuel classification and of the opportunity such a fifteen day period offers to Loyalhanna as well as other parties to present additional evidence relating thereto, it does not appear that this exception should be granted.

The Exceptions contain a lengthy re-statement of testimony adduced in regard to railroad locomotive fuel and exception is taken to the examiner's statement in regard to the testimony involved. As in the case of the exceptions heretofore noted, the Director has examined the record in the light of said re-statement and has concluded that the examiner's findings of fact in regard to railroad locomotive fuel are completely supported by the substantial weight of the evidence; indeed, that the evidence compels those findings.

No exceptions were taken by any party to the price classifications and minimum prices set forth in "Temporary Schedule A", except with respect to Loyalhanna coals and certain coals heretofore priced. The price classifications and minimum prices in said "Temporary Schedule A", as revised with respect to Loyalhanna and the previously priced coals in accordance with the Examiner's Report in this matter comply with section 4 II (a) and (b) of the Bituminous Coal Act of 1937 and should be the effective price classifications and minimum prices for said coals.

On the basis of the above Opinion and for the reasons stated therein, the Director concludes that the said Proposed Findings of Fact and the Conclusions of Law based thereon should be approved and adopted as Findings of Fact and Conclusions of Law of the Director.

It is therefore ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same hereby are approved and adopted

as Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That the following mines are not properly included in this proceeding for coals not heretofore classified and priced, and should be deleted from "Temporary Schedule A":

For truck shipments

Mine Index No.	Name	Mine	Seam
ALLEGHENY COUNTY			
525	K. S. & C. Coal Co. (R. Keeney).	Lincoln #1...	Pittsburgh.
BUTLER COUNTY			
909	Fennich & Kolser (Jonathan Fennich).	Pistt.....	Lower Kittanning.
FAYETTE COUNTY			
246	Price, Pete (Price Coal Co.).	Winstead...	Pittsburgh.
WASHINGTON COUNTY			
1168	Weddell, James Co. (Black Diamond Coal Co.).	Black Diamond.	Pittsburgh.
185	Marston Coal Company.	Rainbow....	Pittsburgh.
1226	Kotek, John (Ace Coal Co.).	Ace.....	Pittsburgh.
WESTMORELAND COUNTY			
1654	Kozar Coal Co. (Mary Kozar).	St. Clair....	Pittsburgh.

It is further ordered, That in place of the price classifications and minimum prices for Loyalhanna Fuel Company's Maust No. 7 Mine (Mine Index No. 311), set forth in the aforesaid "Temporary Schedule A" and amended by the Orders dated November 2, 1940 and December 26, 1940, in this matter, the following price classifications and minimum prices shall be the effective minimum prices:

For all shipments except truck

Size group.....	2	3	4	5	6	7	8	9
Price classification.....	G	G	G	H	H	J	J	J

For truck shipment

Size Group.....	2	3	4	5	6	7	8	9	10	11
Minimum Price....	260	250	225	210	210	200	210	175	165	155

Price Classification for Railroad Fuel

PRICE GROUP 21

The following Exception shall apply:
Exception: Mine Index No. 311 may reduce the price of Size Group 6 by 5 cents per ton.

It is further ordered, That the above-mentioned Exception to the Price Classification for Railroad Fuel shall only become effective fifteen (15) days after the date of this Order and leave is hereby given to apply to the Director within such fifteen (15) day period to reopen the hearing on the issue of the railroad fuel classification for Mine Index No. 311.

It is further ordered, That § 322.7 (Alphabetical list of code members) is amended by adding thereto that part of Temporary Schedule A designated as Supplement A-I, hereinafter set forth and made a part hereof, as amended by this Order and Orders entered in Docket A-39, et al., dated November 2, 1940 (5 F.R. 4398), April 3, 1941 (6 F.R. 1795) and June 3, 1941 (6 F.R. 2746), § 322.9 (Special prices—(c) Railroad fuel) is amended by adding thereto that part of Temporary Schedule A designated as Supplement A-II, hereinafter set forth and made a part hereof, as amended by this Order, § 322.23 (General prices) is amended by adding thereto that part of Temporary Schedule A designated as Supplement A-III, hereinafter set forth and made a part hereof, as amended by this Order and the price classifications and minimum prices set forth in Temporary Schedule A as amended are hereby established as the minimum prices for the coals specified therein.

Dated: June 27, 1941.

[SEAL]

H. A. GRAY,
Director.

TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2—TEMPORARY SCHEDULE A

NOTE: The material in this Temporary Schedule A is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 Alphabetical list of code members—Supplement A-1

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Freight origin group No.	Size group numbers																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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335	Abruzzi, Louis	Bruceston	7	Pittsburgh	75																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											

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328	Pioneer Fuel Company (C. E. Liza)	Peanut	5	Pittsburgh	91	G	G	G	G	H	H	G	G																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					

All mines in Freight Origin Groups 24 and 25 will take the same necessary or permissible adjustments as Freight Origin Group 20.

All mines in Freight Origin Group 69 will take the same necessary or permissible adjustments as Freight Origin Group 74.

All mines in Freight Origin Group 116 will take the same necessary or permissible adjustments as Freight Origin Group 30.

All mines in Freight Origin Group 122 will take the same necessary or permissible adjustments as Freight Origin Group 121.

All mines in Freight Origin Group 15 for shipment into Market Areas 1, 2 and Tidewater must increase their f. o. b. mine prices 22 cents.

All mines in Freight Origin Group 15 for movement into Market Area 4 must increase all prices 15 cents.

§ 322.9 Special prices—(c) Railroad fuel—Supplement A-11

In 322.9 (c) add the mine index numbers in groups shown:

Group 1.—269, 1427.

Group 2.—149, 313, 314, 316, 330, 331, 333, 335, 337, 339, 344, 544, 680, 716, 783, 1191, 1347, 1596, 1631, 1690.

Group 6.—338, 351, 1699.

Group 7.—318, 332, 342, 347, 352, 1025, 1652, 1653.

Group 8.—348, 1693.

Group 10.—18, 749.

Group 13.—340, 341.

Group 15.—902, 907, 917, 943, 948, 953, 1116, 1119, 1126, 1127, 1149.

Group 18.—328.

Group 21.—311.

Group 22.—887.

§ 322.23 General prices—Supplement A-III—Continued

[Prices in cents per net ton for shipment into all market areas]

Mine Index No.	Code member index	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Sieve 1" x 4"	Pea 3/4" x 1 1/4"	Run of mine	2" N/S	1 1/4" slack	3/4" slack
BUTLER COUNTY														
6588	Bowers Bros. (Kenneth Bowers)	Bowers.	L. Freeport.	325	310	300	280	270	250	240	210	200	190	170
909	Fennick & Kollser (Jonathan Fennick).	Platt.	L. Kitt.	325	305	285	265	250	245	245	230	190	180	170
649	Fisher, Oran.	Fisher.	Kittanning.	325	305	285	265	250	245	245	230	190	180	170
702	Genda, Mike J.	Genda.	Freeport.	325	310	300	280	270	250	240	210	200	190	170
700	Melvin, J. E. (Melvin Coal Mine).	Melvin Coal.	Freeport.	300	290	280	265	255	245	225	225	185	175	165
774	Melvin, J. E. (Melvin Coal Mine).	Melvin.	Kittanning.	325	305	285	265	250	245	245	230	190	180	170
593	Poncrance, Andrew.	Black.	U. Freeport.	375	365	345	340	320	310	310	320	180	170	165
694	Sanderson, R. C.	R. C. Sanderson.	Freeport.	325	305	285	265	250	245	245	230	190	180	170
696	Shaw & Sons, Adam F. (Adam Shaws).	Cherry Valley.	Kittanning.	325	305	285	265	250	245	245	230	190	180	170
604	Tackett, James H.	Reamer.	Kittanning.	325	305	285	265	250	245	245	230	190	180	170
608	Tri-County Coal Sales (Ross Bryan).	Farren.	Kittanning.	325	305	285	265	250	245	245	230	190	180	170
882	Tri-County Coal Sales (Ross Bryan).	Krappier.	Kittanning.	325	305	285	265	250	245	245	230	190	180	170
9570	Womer, E. O.	Old Neely.	L. Kitt.	300	290	280	255	240	245	225	225	185	175	165
1705	Yargo, Angelo.	Croll.	Kittanning.	300	290	280	255	240	245	225	225	185	175	165
FAYETTE COUNTY														
4580	Big Meadow Coal Co. (E. W. Collins).	Luzerne.	Pittsburgh.	300	290	280	260	240	230	225	220	210	200	175
4677	Braznell Fuel Co., Ltd. (Fred C. Lyons).	Lynch.	Pittsburgh.	300	290	280	260	240	230	225	220	210	200	175
4699	C. & B. Coal Company (James F. Bushick).	Dale #2.	Pittsburgh.	280	280	270	250	230	220	215	220	205	200	175
315	Eberly Coal & Coke Company.	Springer.	Pittsburgh.	300	290	280	260	240	230	225	220	210	200	175
4675	Ewart, William.	Ewart.	Pittsburgh.	300	290	280	260	240	230	225	220	210	200	175
337	Franks, C. H. Coal Co.	Harrish #2.	Pittsburgh.	290	280	270	250	230	220	215	220	205	200	175
342	Gusman-Hall Coal Co.	Gusman-Hall.	Pittsburgh.	290	280	270	250	230	220	210	210	200	195	175
348	Gusman-Hall Coal Co.	Hall.	Sewickley.	275	265	255	240	220	210	210	210	195	190	175
4676	Marinich, Steve.	Jacobs Creek.	Pittsburgh.	290	280	270	250	230	220	215	220	205	200	157
4677	Merott, F. G.	M. & M.	Pittsburgh.	290	280	270	250	230	220	215	220	205	200	157
1918	Miller, Samuel C.	S. C. Miller.	Pittsburgh.	290	280	270	250	230	220	215	220	205	200	157
464	Miller, Samuel C.	Edg. #2.	Pittsburgh.	290	280	270	250	230	220	215	220	205	200	157
4647	Miller & Kiser (Earl Mines).	Edg. #2.	Pittsburgh.	290	280	270	250	230	220	215	220	205	200	157
318	Rocheimer, G. M. (Socket, H. R. Coal & Coke Co.).	Rich Hill (Strip).	Pittsburgh.	290	280	270	250	230	220	215	220	205	200	175
305	Nassar, Elias (Nassar Coal Company).	Eddie.	Pittsburgh.	290	280	270	250	230	220	215	220	205	200	175
4251	North Union Coal Company.	Lemont #3.	Pittsburgh.	300	290	280	260	240	230	225	220	210	200	175
352	Popovich, Nick.	Popovich.	Pittsburgh.	290	280	270	250	230	220	215	220	205	200	175
246	Price, Pete (Price Coal Company).	Winstead.	Pittsburgh.	290	270	260	245	225	210	210	210	195	175	
4632	Rockwell, Brown.	Rockwell.	Pittsburgh.	290	270	260	245	225	210	210	210	200	195	175
4632	Romesburg & Co. (Wm. H. Romesburg).	Lyons.	Pittsburgh.	290	280	270	250	230	220	215	220	205	200	175
1722	Ross, L. R.	Ross.	Pittsburgh.	290	280	270	250	230	220	215	220	205	200	175
4633	Tunnel Coal Co. (J. W. Romesburg).	Tunnel #1.	Pittsburgh.	290	280	270	250	230	220	215	220	205	200	175
909	Vakentine, Frank.	Gars Hill.	Pittsburgh.	280	270	260	245	225	210	210	210	200	195	175

TRUCK SHIPMENTS

§ 322.23 General prices—Supplement A-III

[Prices in cents per net ton for shipment into all market areas]

Mine Index No.	Code member index	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Eng 2" x 4"	Slove 1" x 4"	Poa 3/4" x 1 1/4"	Run of mine	2" N/S	1 1/4" slack	3/4" slack
ALLEGHENY COUNTY														
335	Abund, Louis (Abruzzi Coal Co.)	Brucston.....	Pittsburgh.....	265	285	275	250	225	225	220	220	195	185	180
338	Amatuz, Guy.....	Amatuz.....	Pittsburgh.....	285	275	265	240	215	210	210	220	180	170	170
337	B. & W. Coal Co. (John Bishop)	Clinton Lake.....	Pittsburgh.....	275	265	255	240	215	210	210	220	180	170	170
0003	Banks, J. F.....	Banks.....	Pittsburgh.....	285	275	265	240	220	220	220	220	190	180	170
330	Baucant Coal Company (C. C. Moore)	Baucant.....	Pittsburgh.....	270	260	250	230	215	215	210	220	180	170	160
312	Bulger Block Coal Company	Bulger.....	Pittsburgh.....	275	265	255	235	215	215	210	220	190	180	170
313	Car Coal Company	Car #1-2.....	Pittsburgh.....	270	260	250	230	210	210	210	220	175	165	155
333	Case, Nathan.....	Bunola.....	Pittsburgh.....	295	285	275	260	235	235	230	220	195	185	180
528	Chambon Coal Co. (Gabriel Castanet)	Castanet.....	Pittsburgh.....	300	290	285	260	230	230	220	240	200	190	180
725	Chiri, Leon.....	Irons.....	Pittsburgh.....	275	265	255	240	215	210	210	220	180	170	160
333	Contakos, James.....	Contakos.....	Pittsburgh.....	265	285	275	260	235	235	230	220	190	180	180
663	Crafton Mining Co. (F. J. McGregory)	Davis.....	Pittsburgh.....	310	300	290	265	235	235	225	245	205	195	185
1679	Demmel Coal Mine Wm. (Wm. Demmel)	Demmel.....	Pittsburgh.....	310	300	290	265	235	235	225	245	205	195	185
559	Garin, Nick.....	Garin (Snyder).....	Pittsburgh.....	275	265	255	235	215	215	210	220	190	180	170
1667	Hannan and Plance (Gilbert Hannan)	Snowdrift.....	Pittsburgh.....	275	265	255	240	215	210	210	220	180	170	160
573	Holmes, J. F.....	Whites #1.....	Pittsburgh.....	275	265	255	235	215	215	210	220	190	180	170
555	Huffman, J. C.....	McClure #2.....	Pittsburgh.....	295	285	275	250	225	225	220	230	195	185	180
535	K. S. & C. Coal Co. (R. Kenney)	Lincoln #1.....	Pittsburgh.....	300	290	280	255	230	230	220	240	200	190	180
1648	K. S. & C. Coal Co. (John K. Kuhnert)	Kirchardt.....	Pittsburgh.....	275	265	255	240	215	210	210	220	180	170	160
718	Marston Coal Company.....	Marston.....	Pittsburgh.....	275	265	255	235	215	210	210	220	190	180	170
1692	McCluskey & McKlancie (Edward McKlancie)	M. & M.....	Pittsburgh.....	310	300	290	265	235	235	225	245	205	195	185
555	Miffin Coal Co. (Julius Bertan)	Irwin Run.....	Pittsburgh.....	310	300	290	265	235	235	225	245	205	195	185
331	McHugh Coal Mining Co. (Hugh F. McHugh)	McHugh.....	Pittsburgh.....	295	285	275	250	225	225	220	230	195	185	180
304	Oakdale Mining Company	Oakdale (Deep).....	Pittsburgh.....	275	265	255	235	215	215	210	220	190	180	170
716	Rafaele & Sons, A.....	Rafaele #2.....	Pittsburgh.....	285	275	265	240	220	220	210	220	190	180	170
3015	Reiland Coal Company.....	Reiland #2.....	Pittsburgh.....	275	265	255	240	215	210	210	220	180	170	160
15643	Ricciotti, Pio.....	Bianchi.....	Pittsburgh.....	285	275	265	240	220	220	210	220	190	180	170
1717	Skillips, Wm.....	Esther.....	Pittsburgh.....	275	265	255	240	215	210	210	220	180	170	160
1694	Vay Brothers (Mike Vay)	Vay.....	Pittsburgh.....	285	275	265	240	220	220	220	220	190	180	170
6005	Wojtecko, Alex.....	Rennerdale.....	Pittsburgh.....	275	265	255	235	215	215	210	220	190	180	170
314	Car Coal Company	Car #2.....	Pittsburgh.....	270	260	250	225	210	210	200	210	175	165	155
ARMSTRONG COUNTY														
1576	Bowser & Dempsney Coal Dealers (H. D. Bowser).	Bowser.....	L. Freeport.....	270	260	250	230	225	215	200	205	185	175	165
7700	Sheakley, Carl L.....	Sheakley.....	Freeport.....	270	260	250	230	225	215	200	205	185	175	165
BEAVER COUNTY														
1712	Breith & Gollie.....	Breith & Gollie.....	#6.....	300	290	280	275	250	245	225	225	155	175	165
738	Davenport & Breithold (Wincent Breithold)	John Tuckers Coal.....	Kittanning.....	300	290	275	250	245	225	225	225	155	175	165
16485	Fennell Block Coal Co. (Chas. P. Kiernan)	Kiernan.....	Freeport.....	300	290	280	275	250	245	225	225	155	175	165
1593	Pine Grove Coal Co. (John M. Baker)	Pine Grove.....	U. Freeport.....	300	290	280	275	250	245	225	225	155	175	165
1595	Reiland Coal Co.	Marnett.....	U. Freeport.....	300	290	280	275	250	245	225	225	155	175	165

§ 322.23 General prices—Supplement A-III—Continued

Mine Index No.	Code member index	Mine	Seam	Base sizes													
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Poa 3/4" x 1 1/4"	Run of Mine	2" N/S	1 1/2" Slack	3/4" Slack			
WESTMORELAND COUNTY																	
603	Alexander, E. M.	Breiser	Pittsburgh	275	265	255	235	225	220	215	215	195	185	175			
269	Grimm Coal Co. (George H. Grimm)	Oakridge	Pittsburgh	280	270	260	245	230	220	210	215	195	185	175			
1711	Johns, Hay (Johns Coal Company)	Johns	Pittsburgh	285	275	265	240	220	220	220	220	190	180	170			
1656	Johns, John C. Robert & Charles (John C. Johns)	Johns	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175			
129	Kiski Gas Coal Corporation	Louise #1	Pittsburgh	275	265	255	235	225	220	215	215	195	185	175			
130	Kiski Gas Coal Corporation	Louise #2	Pittsburgh	275	265	255	235	225	220	215	215	195	185	175			
1654	Kozar Coal Co. (Mary Kozar)	St. Clair	Pittsburgh	280	270	260	230	230	230	215	225	205	195	175			
6721	Kren, Frank	Kren	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175			
1723	Kren, Frank	Bates	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175			
3347	Laspina, Samuel, Jr.	Hilda	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175			
311	Loyalhanna Fuel Co. (R. H. Jamison, Jr.)	Maust #7	Pittsburgh	275	265	255	235	225	220	215	215	195	185	175			
596	M. & W. Gas Coal Co. (Jesse Wellington)	Elizabeth	Pittsburgh	275	265	255	235	225	220	215	215	195	185	175			
668	Malda, Adam	Malda	Pittsburgh	275	265	255	235	225	220	215	215	195	185	175			
1347	Morocco & Warren (Tony Morocco)	Hilda	Pittsburgh	270	260	250	225	210	210	200	210	175	155	155			
1645	Morocco & Warren (Tony Morocco)	B & H	Pittsburgh	270	260	250	225	210	210	200	210	175	165	155			
696	Paintstown Coal Company (Joseph Yates)	Yates #1	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175			
328	Pioneer Fuel Company c/o C. E. Lizza	Peanut	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175			
599	Shaffer, Pete, John & Steve (Steve Shaffer)	Beiler #2	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175			
574	Tainton, Richard W.	R. W. Tainton	Pittsburgh	275	265	255	235	225	220	215	215	195	185	175			
451	Uishney, Steve (Uishney Fuel Co.)	Buck #1	Pittsburgh	280	270	260	230	230	220	215	225	205	195	175			
570	Zimmerman, J. W. & B. F. Zimmerman, Jr.	Zimmerman	Pittsburgh	280	280	270	250	230	220	215	225	205	195	175			

For mechanically cleaned coal add: 15 cents to Size Groups 5, 6, 7, 8; 10 cents to Size Groups 9, 10, 11.

[F. R. Doc. 41-4909; Filed, July 10, 1941; 10:21 a. m.]

[Docket No. A-894]

PART 323—MINIMUM PRICE SCHEDULE

DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND

CONDITIONALLY PROVIDING FOR FINAL RE-

LIEF IN THE MATTER OF THE PETITION OF

DISTRICT BOARD 3 FOR THE ESTABLISH-

MENT OF PRICE CLASSIFICATIONS AND

MINIMUM PRICES FOR THE COALS OF CER-

TAIN MINES IN DISTRICT NO. 3 NOT HERE-

TOFORE CLASSIFIED AND PRICED

An original petition, pursuant to sec-

tion 4 II (d) of the Bituminous Coal Act

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3 not heretofore classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

§ 322.23 General prices—Supplement A-III—Continued

Mine Index No.	Code member index	Mine	Seam	Base sizes										
				Lump over 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Run of mine	2" N/S	1 1/2" slack	3/4" slack		
GREENE COUNTY														
1661	Craft Coal Co. (Herman H. Craft)	Crayne	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
1703	Hardy, William	Mabel	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
283	Dinkard Coal Company (Wm. Hinzfort)	Dilliner	Pittsburgh	275	265	255	245	230	220	215	220	190	180	165
1650	Emmerville Coal Co. (Geo. W. Lennard)	Homeville	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
1607	Maytag, Geo. Lee	W. T. Gray	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
1642	Pittcock, Charles E.	Zimmerman	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
1608	Raymer, Charles E.	Raymer	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
1640	Sarnak, Walter	Sarnak	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
1609	Willis, John	Willis	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
LAWRENCE COUNTY														
1651	Baker, Howe	McKee	Kittanning	300	290	280	255	250	245	225	225	185	175	165
1671	Burick, Joe	Edward	Kittanning	300	290	280	255	250	245	225	225	185	175	165
1677	Byler, David A.	Byler	Kittanning	300	290	280	255	250	245	225	225	185	175	165
1692	Carlan, Roland	Harlan	Freepoint	300	290	280	255	250	245	225	225	185	175	165
1671	Kelly, Samuel O.	Kelly	Kittanning	300	290	280	255	250	245	225	225	185	175	165
1655	Kozar, Elias	No name	Kittanning	300	290	280	255	250	245	225	225	185	175	165
1694	McEwain Bros. (J. Walter McEwain)	McEwain	Kittanning	300	290	280	255	250	245	225	225	185	175	165
1572	Reno, R. E.	Reno	Kittanning	300	290	280	255	250	245	225	225	185	175	165
1582	Reno, H. & Snyder, Wm.	Reno	Kittanning	300	290	280	255	250	245	225	225	185	175	165
1665	Thorn, George	George Thomas	Kittanning	300	290	280	255	250	245	225	225	185	175	165
1664	Thorn Bros. (William Thornman)	Thorman	Kittanning	300	290	280	255	250	245	225	225	185	175	165
MECKER-YENANGO COUNTIES														
1657	Hilliard, Roland R.	Hilliard	Kittanning	325	305	285	265	250	245	245	220	180	170	160
1687	Irwin, C. L.	Irwin	Clarion	325	305	285	265	250	245	245	220	180	170	160
1686	McCleary, Ellsworth E.	McCleary No. 3	Brookville	325	310	290	275	270	255	255	240	185	175	160
1575	Sagalla, George	Sagalla	Brookville	325	310	290	275	270	255	255	240	185	175	160
WASHINGTON COUNTY														
1659	Allison Bros. Coal Co. (Walter J. Allison)	Allison	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
1191	Arnold, J. J. Co., Inc.	Arnold #6	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
1206	Blackburn & Hess (Hess, William P.)	Hess	Pittsburgh	265	245	240	220	200	190	185	190	170	165	155
1263	Brue, Leroy R.	Frye	Pittsburgh	265	255	245	220	210	205	195	205	180	170	160
1175	De Kock, Frank (Burgettstown Fuel Co.)	Venus	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
1666	Gilbert Brothers (Eugene Gilbert)	Gilbert Bros.	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
1706	Gilbert, Joseph	Gilbert #2	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
1719	Kaminiski, Fred	Fred	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
1228	Koek, John (Ace Coal Co.)	Ace	Pittsburgh	255	245	240	220	200	190	185	190	170	165	155
1690	MacFarlane, Robert (MacFarlane Coal Co.)	MacFarlane #1	Pittsburgh	280	270	260	235	220	215	205	215	190	170	160
185	Marston Coal Company	#1	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
1720	Reber, Simon W.	Rainbow	Pittsburgh	310	300	290	260	250	235	225	245	210	195	185
1693	Shlanta, John M. (Shlanta Mines)	Rider #2	Pittsburgh	310	300	290	260	250	235	225	245	210	195	185
346	Toy, Stanley	Toy	Pittsburgh	280	270	260	235	220	215	205	215	190	170	160
1193	Weddell, James C. (Black Diamond Coal Co.)	Black Diamond	Pittsburgh	310	300	290	260	250	235	225	245	210	195	185

The Director deeming his action necessary in order to effectuate the purposes of the act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 323.8 (Special prices—(b) Railroad fuel prices for all movements except via lakes) is amended by adding thereto Supplement R-II, § 323.8 (Special prices—(c) Railroad fuel prices for movement via all lakes—all ports) is amended by adding thereto Supplement R-III, and § 323.23 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: June 16, 1941.

H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 Alphabetical list of code members—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Freight or origin	Size group Nos.															
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
205	Arnold, E. C.	Rhodes	Bakerstown	71	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
206	Arnold, E. C.	Riley #2	M. V. Freeport	70	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
207	Buckannon River Coal Co.	Adrian	H. V. Freeport	30	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
208	Caldette, R. C.	Caldette	No. A Block	11	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
209	Clelland, Earl	Clelland	Pittsburgh	50	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
210	Hinkle Brothers (Major Hinkle)	Hinkle	Redstone	31	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
211	Krow Coal Company (Harry Sparks)	Krow No. 1	M. V. Freeport	71	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
1080	Lloyd, O. J.	Burner	Pittsburgh	32	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
667	Marks, John W.	Lynch Run	Pittsburgh	32	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
668	Marks, W. R.	Marks	Pittsburgh	32	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
204	Marrara, Domenick	Marrara	M. V. Freeport	72	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
202	Martin, O. P.	Riley	Bakerstown	70	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
829	Martin, O. P.	Martin	M. V. Freeport	70	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
683	Miller Coal Company (S. M. Miller)	Miller	Redstone	31	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
956	Miller Coal Company (W. O. Miller)	Miller #1	M. V. Freeport	71	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
846	Sprouse, Goff	Sprouse	Pittsburgh	31	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
208	Stanley Coal Co.	Ream #4	M. V. Freeport	71	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
762	Talbert, Russell	Bolair	H. V. Kittanning	26	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J

Freight Origin Group No. 26, will take the same necessary or permissible adjustments as Freight Origin Groups Nos. 10 or 20.

No. 136—2

§ 323.8 Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-II.
For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (b):

Group No. 1—551, 667, 668, 846, 1080.
Group No. 2—630, 683.
Group No. 3—201, 204, 206, 208, 762, 829, 956.
Group No. 5—207.
Group No. 6—205, 202.

§ 323.8 Special prices—(c) Railroad fuel prices for movement via all lakes—all ports—Supplement R-III.
For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (c):

Group No. 1—551, 667, 668, 846, 1080.
Group No. 2—630, 683.
Group No. 3—201, 204, 206, 208, 762, 829, 956.
Group No. 5—207.
Group No. 6—205, 202.

TRUCK SHIPMENTS

§ 323.23 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	County	Size groups															
					1	2	3	4	5	6	7	Lump over 2 1/2' Bottom Size	Lump 2 1/2' Bottom Size but over 1 1/4' & under 1 1/2'	Lump 1 1/4' & under Bottom Size	All Nut & Pea 2 1/2' & under	Run of Mine Resultant over 2 1/2' Black	1 1/4' & 2 1/2' Black	1 1/4' & 2 1/2' Black	1 1/4' & 2 1/2' Black	1 1/4' & 2 1/2' Black
Arnold, E. C.	205	Rhodes	Bakerstown	Preston	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235
Arnold, E. C.	206	Riley #2	M. V. Freeport	Preston	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235
Caldette, R. C.	207	Caldette	No. 5 Block	Nicholas	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235
Krow Coal Co. (Harry Sparks)	201	Krow #1	M. V. Freeport	Preston	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235
Marrara, Domenick (Kingwood Coal Co.)	204	Marrara	M. V. Freeport	Preston	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235
Martin, O. P.	202	Riley	Bakerstown	Preston	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235
Stanley Coal Company	208	Ream #1	M. V. Freeport	Preston	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235	235

[F. R. Doc. 41-4910; Filed, July 10, 1941; 10:21 a. m.]

[Docket No. A-850]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

of 1937, having been filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

The Director deeming his action necessary in order to effectuate the purposes of the Act:

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R and § 327.34 (*General Prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in

the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: June 27, 1941.

[SEAL]

H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and Supplements thereto.

§ 327.11 *Low volatile coals: Alphabetical list of code members—Supplement R*

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Freight origin group No.	Price classifications by size group Nos.									
						1	2	3	4	5	6	7	8	9	10
523	Canellas, Joe.....	Grapovine.....	4	Welch.....	30	(1)	(1)	(1)	(1)	(1)	B	B	(1)	(1)	(1)
540	Fruia, Jim.....	North Pole.....	4	Davy-Sew.....	30	D	(1)	(1)	(1)	(1)	B	B	B	(1)	(1)
724	Leckie Fire Creek Coal Company.....	Leckie #4.....	5	Poca. 4.....	14	D	(1)	(1)	(1)	(1)	D	D	D	D	D
592	Rex Coal Land Company, Inc.....	Frances #1.....	1	Sewell.....	19	D	(1)	(1)	(1)	(1)	B	B	C	(1)	(1)

¹ Indicates no classifications effective for these size groups.

TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area—Supplement T*

[Prices in cents per net ton for shipment into all market areas]

Subdistrict	Code member index	Mine	Mine index No.	County	Seam	All Lump 3/4" or Larger All Egg & Stove All Nut or Pea 1 1/4" Top Size or Smaller						Screened M/R	Straight Mine Run	1 1/2" Screenings	3/4" Screenings
						1	2	3	4	5	6				
4	Leckie Fire Creek Coal Company.....	Leckie #4.....	724	Raleigh.....	Poca. 4.....	290	.....	290	195	185	.....			
1	Rex Coal Land Company, Inc.....	Frances #1.....	592	Greenbrier.....	Sewell.....	290	.....	(1)	(1)	(1)	(1)				

¹ Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-4911; Filed, July 10, 1941; 10:21 a. m.]

[Docket No. A-382]

PART 328—MINIMUM PRICE SCHEDULE DISTRICT NO. 8

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, as amended, having been duly filed on November 19, 1940, by District Board 8, seeking temporary and final orders establishing price classifications and minimum prices for certain rail and truck mines in District No. 8 not theretofore classified and priced; and

Temporary relief pending disposition of this proceeding having been granted

by Order of December 11, 1940 (5 F.R. 5068), establishing price classifications and minimum prices for certain mines set forth in Temporary Supplement R and Temporary Supplement T annexed to and made a part of said Order; and

A hearing having been held before a duly designated Examiner of the Division, at a hearing room of the Division, Washington, D. C., on January 7, 1941, (6 F.R. 487) following which additional temporary relief was granted by Order of January 15, 1941, establishing prices for New Green Briar Coal Co., Mine Index No. 1586, by supplement attached thereto, and by Order dated February 8, 1941, (6 F.R. 893) establishing prices for Raven Coals, Inc., Mine Index No. 357; and

The parties to this proceeding having waived the preparation and filing of a report by the Examiner; and the Director having made Findings of Fact and Conclusions of Law in this matter dated June 26, 1941, which are filed herewith;

It is ordered, That: § 328.11 (*High Volatile Coals—Alphabetical list of code members*) is amended by adding thereto supplement marked Appendix No. 1-A and § 328.21 (*Low Volatile Coals—Alphabetical list of code members*) is amended by adding thereto supplement marked Appendix No. 1-B, which supplements are hereinafter set forth and made a part hereof (which supplements contain the classifications and prices temporarily established in Temporary Supplement R, to the Order of December 11, 1940, amended in accordance with the findings filed herewith), which price classifications and minimum prices hereby are established as the effective price classifications and minimum prices for the coals as specified therein;

It is further ordered, That § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement marked Appendix No. 2-A and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto supplement marked Appendix No. 2-B, which supplements are hereinafter set forth and made a part hereof (which supplements contain minimum prices temporarily established in Temporary Supplement T, to the Order of December 11, 1940, amended in accordance with the findings filed herewith), which minimum prices hereby are established as the effective minimum prices for the coals specified therein; *Provided*, That the effective minimum prices for Billips-Harlan Coal Company, Mine Index No. 2945, shall not take effect until fifteen (15) days after the issuance of this order; and

It is further ordered, That in all other respects the petition herein be and the same hereby is denied.

Dated: June 26, 1941.

[SEAL]

H. A. GRAY,
Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these appendices is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 8 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *High volatile coals—Alphabetical list of code members—Appendix No. 1-A*

Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown

Mine index No.	Code number	Mine name	Subdist. No.	High volatile seam	Freight origin group
85	Atlas Coal Company	Capito.....	6	Low Hignite	113
2626	Belcher, Bart.	Belcher.....	1	Elkhorn	68
1228	Bleibach Mining Company (Dick Looney)	Bleibach.....	1	Elswick	68
123	Clover Spint Coal Company, Inc.	Clover Spint.....	2	High Splint	80
3143	Gater, C. C. (Gater Coal Co.)	Gater.....	2	Pean	180
144	Gummies #1	Gummies #1.....	3	Harian	80
437	Danville Coal Company (Fred Dupue)	Seltzer.....	2	Island Creek	150
1242	Ferguson Creek Coal Co.	Ferguson Cr.....	1	Elkhorn #2	61
1631	Ferrill, Roy	Ferrill.....	1	Jellico	111
1715	Goode, L. S. (Williams Goode Coal Company)	Williams Goode.....	6	Horse Creek	111
598	Honeycutt, Perkins and Randolph (A. J. Honeycutt)	Honeycutt, Perkins & Randolph.....	6	Blue Gem	112
1240	Kinney, J. J.	Kinney.....	1	Elkhorn #2	61
2590	Maroun, Frank	Maroun.....	6	Horse Creek	111
1586	New Green Briar Coal Co. (E. G. White)	New Green Briar Coal Co.....	6	Horse Creek	111
1738	Osborne, C. J.	Osborne.....	6	Horse Creek (Lilly)	111
600	Rose & Ledford	Rose & Ledford.....	1	Upper Elkhorn	10
446	Ruth Elkhorn Coals, Inc.	Stelmman.....	7	Upper Banner	10
2681	Swords Creek Coal Co. (D. Gray Langhorn)	Swords Creek.....	7	Widow Kennedy (Edge)	20
108	Sycamore Coal Company	Cinderella.....	8	Winifrede	130
1293	Tabor, John	John & Earl Scott.....	1	Elkhorn #2	61
57	Willard Coal Corporation	Willard.....	1	No. 7	61

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Appendix No. 2-A—Continued

Code member index		Mine	Mine Index No.	Seam	Base sizes								
					Lump over 2", Egg	Lump 2" x 4", Egg	Lump 3" x 6", Egg	Lump 3" x 4", Under	Egg 2" x 4", Egg	Stove 2" x 4", Under	Straight Mine Run	2" & Under Slack	3/4" & Under Slack
SUBDISTRICT NO. 1—BIG SANDY ELKHORN—continued													
Greene County, Ky.													
Adams & Adams (Cordie Adams)		Adams	3101	Clod	265	245	210	220	205	200	150	145	
Adkins			3103		265	245	210	220	205	200	150	145	
Adkins, John H.		Adkins	3100	Clod	265	245	210	220	205	200	150	145	
Akers, John		Akers	3094	No. 8	265	245	210	220	205	200	150	145	
Baldridge, E. D.		Bear Run	2979	No. 8	265	245	210	220	205	200	150	145	
Bishop & Pennington (Otis Bishop)		Horn	3024	Clod	265	245	210	220	205	200	150	145	
Caldwell, William		Griffith	3006	Clod	265	245	210	220	205	200	150	145	
Crisp, Willie c/o G. W. Miles		Crisp	3042	No. 7	265	245	210	220	205	200	150	145	
Crum, Dewey & Jess J.		Underwood	3025	No. 8	265	245	210	220	205	200	150	145	
Dillow & Dillow (Eugene Dillow)		Dillow	3026	Clod	265	245	210	220	205	200	150	145	
Dolson, Keitric		Dolson	3027	No. 7	265	245	210	220	205	200	150	145	
Griffith, Donald Van		Griffith	3028	Clod	265	245	210	220	205	200	150	145	
Griffith, Isaac, L.		Kirk	2936	No. 7	265	245	210	220	205	200	150	145	
Kirk, Bessie		Gillespie	3033	Clod	265	245	210	220	205	200	150	145	
Mallins, Mullins, Hammonds & Galline (Linzay Mullins)		Underwood	3036	Clod	265	245	210	220	205	200	150	145	
Nichols, George		Salisbury	3095	No. 7	265	245	210	220	205	200	150	145	
Salisbury, W. E.		Salvers	3034		265	245	210	220	205	200	150	145	
Salvers & Gilliam (Elwood Salvers)		Salvers	3098		265	245	210	220	205	200	150	145	
Salvers, Granville		Underwood	3035	Clod	265	245	210	220	205	200	150	145	
Salvers & Kelly (Chester Salvers)		Short	2943	No. 7	265	245	210	220	205	200	150	145	
Short, John		Tackett	2941	No. 7	265	245	210	220	205	200	150	145	
Tackett & Sons, Howard (Howard Tackett)		No. 6	2952		265	245	210	220	205	200	150	145	
Tackett, Lawrence		Melvin	3097	Clod	265	245	210	220	205	200	150	145	
Tackett & Tackett (Ellis Tackett)		Wagoner	3099	No. 7	265	245	210	220	205	200	150	145	
Wagoner, Alonzo													
Lawrence County, Ky.													
Shortridge, E. B.		Shortridge	2942	McHenry	265	245	210	220	205	200	150	145	
Letcher County, Ky.													
Miller, Joe		M. L. Webb	3054	Elkhorn	275	255	220	220	205	210	160	155	
Short, Ben		Daw Hollow	3061	Elkhorn	275	255	220	220	205	210	160	155	
Pike County, Ky.													
Barly, Hillard		H. Barly	2978	Elkhorn	275	255	220	220	205	210	170	165	
Billiter, Ben		Chico Creek	2980	Upper Elkhorn	275	255	220	220	205	210	170	165	
Campbell, Alvin		Campbell	2977	Elkhorn	275	255	220	220	205	210	170	165	
Damon, Miles		Damon	3002	Upper Elkhorn	275	255	220	220	205	210	170	165	
May, G. W.		G. W. May	3052	Elswick	290	290	205	205	195	195	140	135	
Rose & Ledford (Ceel Rose)		Rose & Ledford	600	Upper Elkhorn	275	255	220	220	205	210	170	165	
Stratton & Stratton (Ben Stratton)		Stratton	2988	Elkhorn	275	255	220	220	205	210	170	165	
Sweeton, P. B.		Sweeton	3003	Elkhorn	275	255	220	220	205	210	170	165	
Syck, McKinley		McKinley Syck	3002	Elkhorn	275	255	220	220	205	210	170	165	
Wright, Melvin		Wright	3010	Elkhorn #2	275	255	220	220	205	210	170	165	
SUBDISTRICT NO. 2—HARLAN Harlan County, Ky.													
Billings-Harlan Coal Co. (c/o L. A. Billings)		Billings-Harlan Coal Co.	2945	"B" or Darby	300	280	235	250	225	225	180	175	
Fannon, B. D.		Mills Creek Block	2944	No. 4	265	245	215	220	205	205	155	150	
Middleton, Thomas		Thomas Middle-	2971	Mason	270	250	225	230	210	215	175	170	
Peters, Arthur		ton.	2993	Harlan	270	250	225	230	210	215	175	170	
Roark, Hobart		Arthur Peters	2998	Harlan	270	250	225	230	210	215	175	170	

§ 328.21 Low volatile coals—Alphabetical list of code members—Appendix 1-B
[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Freight origin group No.	Price classifications by size group numbers									
						1	2	3	4	5	6	7	8	9	10
3261	Lambert, E. C.	Lambert	9	Red Ash	131	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
337	Raven Coals, Inc.	No. 1	9	Red Ash	21	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

*Previously classified these size groups.

TRUCK SHIPMENTS
§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Appendix No. 2-A

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Seam	Mine Index No.	Base sizes								
				Lump over 2", Egg 4" x 6"	Lump 2" & Under Egg 3" x 6"	Lump 1 1/2" & Under Egg 2" x 4"	Stove 2" & Under Egg 2" x 4"	Straight Mine Run	2" & Under Slack	3/4" & Under Slack		
SUBDISTRICT NO. 1—BIG SANDY ELKHORN												
Boyd County, Ky.												
Ashland Coal Mining Co.	Ashland Mining Co.	No. 7	3073	No. 7	265	245	210	220	205	200	150	145
Beech Grove Coal Co. (Sherman Hensley)	Beech Grove	No. 7	3037	No. 7	265	245	210	220	205	200	150	145
Boggs & May	Boggs & May	No. 6	3074	No. 6	265	245	210	220	205	200	150	145
Conley & Copley Coal Co. (J. C. Conley)	White Ash	No. 8	3041	No. 8	265	245	210	220	205	200	150	145
Ferguson, George	Ferguson	No. 7	2975	No. 7	265	245	210	220	205	200	150	145
Gilbert & Burton (Clyde Burton)	Dixon	No. 7	2955	No. 7	265	245	210	220	205	200	150	145
Jones, Elmer & Sons (Elmer Jones)	Carol #1	No. 7	3260	No. 7	265	245	210	220	205	200	150	145
Kittie, Carl	Kittie	No. 7	2935	No. 7	265	245	210	220	205	200	150	145
McKnight, Bert	McKnight	No. 7	3008	No. 7	265	245	210	220	205	200	150	145
Moore, John	Straight Creek	No. 7	2972	No. 7	265	245	210	220	205	200	150	145
Reid, Arnold	Reid	No. 7	2960	No. 7	265	245	210	220	205	200	150	145
Roberson, Zilla	Patterson	No. 7	3050	No. 7	265	245	210	220	205	200	150	145
Robinson, Earl	Robinson	No. 6 & 7	2951	No. 6 & 7	265	245	210	220	205	200	150	145
Shelton, Elmo	Buena Branch	No. 7	3009	No. 7	265	245	210	220	205	200	150	145
Wagon, Arthur & Noah Weaver	Wildcat Coal Co.	No. 7	3066	No. 7	265	245	210	220	205	200	150	145
Wilson & Littleton Coal Co. (Floyd Wilson)	Straight Creek	No. 7	2940	No. 7	265	245	210	220	205	200	150	145
Carter County, Ky.												
Boggs, Virgil	Friley	No. 3	2969	No. 3	265	245	210	220	205	200	150	145
Damon, Chester & James Barber	Wagoner	No. 7	3126	No. 7	265	245	210	220	205	200	150	145
Dixon, J. R.	McHenry	No. 7	3093	No. 7	265	245	210	220	205	200	150	145
Heberlein, Sam	Heberlein	No. 7	3037	No. 7	265	245	210	220	205	200	150	145
Holbrook & Barker (Millard Barker)	Clifty Coal	No. 7	2970	No. 7	265	245	210	220	205	200	150	145
Knipp, Amos	Knipp	No. 7	3031	No. 7	265	245	210	220	205	200	150	145
Sexton, Sexton, Sexton & Sexton	Sexton	No. 7	3077	No. 7	265	245	210	220	205	200	150	145
Floyd County, Ky.												
Elswick, J. H.	Ivel	L. Elkhorn	3019	L. Elkhorn	285	265	225	230	215	215	165	160
Bailey, Clayborn	Bailey	Elkhorn	3018	Elkhorn	285	265	225	230	215	215	165	160

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Appendix No. 2-A—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes								Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 24" Bgg	Lump 24" x 6" Bgg	Lump 18" x 4" Bgg	Stove 24" x 6" Bgg	Stove 24" x 4" Bgg	Straight Mine Run	2" & Under Slack	3/4" & Under Slack					Lump over 24" Bgg	Lump 24" x 6" Bgg	Lump 18" x 4" Bgg	Stove 24" x 6" Bgg	Stove 24" x 4" Bgg	Straight Mine Run	2" & Under Slack	3/4" & Under Slack
SUBDISTRICT NO. 2—HARLAN—CON.																							
Breathitt County, Ky.																							
Little, Granville	Granville Little	3013	Jackson	265	245	210	205	190	200	145	140	265	245	210	205	190	200	145	140				
Little, J. F.	J. F. Little	3014	Jackson	265	245	210	205	190	200	145	140	265	245	210	205	190	200	145	140				
Stacy, Troy	Troy Stacy	3015	Knob	265	245	210	205	190	200	145	140	265	245	210	205	190	200	145	140				
Knott County, Ky.																							
Click & Son, E. (Estill Click)	E. Click & Son	3118	Hazard #9	265	245	220	205	185	210	145	140	265	245	220	205	185	210	145	140				
Hall & Stone (Winston Stone)	Hall & Stone	3119	No. 8	265	245	220	205	185	210	145	140	265	245	220	205	185	210	145	140				
Stlone, Deloy	Deloy Stone	3121	Hazard #4	265	245	220	205	185	210	145	140	265	245	220	205	185	210	145	140				
SUBDISTRICT NO. 3—HAZARD																							
Perry County, Ky.																							
Cornett, Ray	Ray Cornett	3023	Hazard #4	275	255	220	225	205	210	155	150	275	255	220	225	205	210	155	150				
Farber, William H.	William H. Farber	3022	Hazard #4	275	255	220	225	205	210	155	150	275	255	220	225	205	210	155	150				
Hokomb, Roy	Roy Hokomb	3070	Hazard #4	275	255	220	225	205	210	155	150	275	255	220	225	205	210	155	150				
Ritchie, G. W.	G. W. Ritchie	3106	Hazard #4	275	255	220	225	205	210	155	150	275	255	220	225	205	210	155	150				
SUBDISTRICT NO. 4—KANAWHA																							
Clay County, W. Va.																							
Chapman & Castron	Redlin	3075	Coalburg	245	225	210	195	180	200	145	140	245	225	210	195	180	200	145	140				
Mason, Francis V.	Paxton	2776	Winifrede	245	225	210	195	180	200	145	140	245	225	210	195	180	200	145	140				
McGrow, Robert J.	McGrow	2929	Coalburg	245	225	210	195	180	200	145	140	245	225	210	195	180	200	145	140				
Kanawha County, W. Va.																							
Johnson, D. T.	Johnson No. 1-2	3066	No. 2 Gas	265	245	220	205	185	220	165	160	265	245	225	215	200	215	170	165				
Johnson, E. H.	Cooper Creek	3058	Coalburg	230	210	200	190	180	210	155	150	230	210	200	190	180	210	155	150				
Lucas, Charles (Lucas Coal Company)	Lucas Coal Co.	2908	Lewiston	255	235	210	200	200	200	145	140	255	235	210	200	200	200	145	140				
Rollins, William	Rollins	3094	Cedar Grove	265	245	225	215	200	215	170	165	265	245	225	215	200	215	170	165				
Mason County, W. Va.																							
Neal, John & J. H. Kearns Coal Co. (John Neal)	Neal & Kearns Coal Co.	3071	Pittsburgh #8	270	250	235	225	180	195	155	150	270	250	235	225	180	195	155	150				
SUBDISTRICT NO. 6—SOUTHERN																							
APPALACHIAN																							
Bell County, Ky.																							
Brooks, Jones & Barnett (Staley Brooks)	Brooks, Jones & Barnett	2997	Blue Gem	285	265	225	215	215	215	155	150	285	265	225	215	215	215	155	150				
Hawley Coal Co., Inc. (c/o James P. Kivett)	Hawley Coal Co.	3105	Buckeye	285	265	220	210	210	215	155	150	285	265	220	210	210	215	155	150				
Lewis, Lon (Lewis Coal Company)	3072 Str. Creek	3072	Str. Creek	265	275	225	215	215	215	165	160	265	275	225	215	215	215	165	160				
Reese & Yoakum (Milton Reese)	Reese & Yoakum	3092	Mason	285	265	225	215	215	215	155	150	285	265	225	215	215	215	155	150				
Clay County, Ky.																							
Hibbard, F. H.	Hibbard	2933	Horsecreek	265	245	220	205	185	210	155	150	265	245	220	205	185	210	155	150				
Hibbard & Gabbard (Theo. Hibbard)	Hibbard & Gabbard	3046	Horsecreek	265	245	220	205	185	210	155	150	265	245	220	205	185	210	155	150				
SUBDISTRICT NO. 8—SOUTHERN																							
APPALACHIAN																							
Bell County, Ky.																							
Mode Siler	Mode Siler	2985	Jellico	285	265	225	215	215	215	170	165	285	265	225	215	215	215	170	165				
Cooper	Cooper	2973	Blue Gem	335	315	235	220	225	225	145	140	335	315	235	220	225	225	145	140				
Smith	Smith	3044	Blue Gem	335	315	235	220	225	225	145	140	335	315	235	220	225	225	145	140				
Holt	Holt	3085	Jellico	285	265	225	215	215	215	170	165	285	265	225	215	215	215	170	165				
Hyslop & Sons, L. C.	Hyslop & Sons, L. C.	3030	Jellico	285	265	225	215	215	215	170	165	285	265	225	215	215	215	170	165				
Stinson	Stinson	2959	Blue Gem	335	315	235	220	225	225	145	140	335	315	235	220	225	225	145	140				
Leach	Leach	3049	Blue Gem	335	315	235	220	225	225	145	140	335	315	235	220	225	225	145	140				
Lett & Talley	Lett & Talley	2990	Blue Gem	335	315	235	220	225	225	145	140	335	315	235	220	225	225	145	140				
Rains	Rains	2993	Blue Gem	335	315	235	220	225	225	145	140	335	315	235	220	225	225	145	140				
Mosses, Dave	Mosses, Dave	2993	Blue Gem	335	315	235	220	225	225	145	140	335	315	235	220	225	225	145	140				
Settle, Donnie	Settle, Donnie	3050	Blue Gem	335	315	235	220	225	225	145	140	335	315	235	220	225	225	145	140				
Siler, Everett	Siler, Everett	2997	Jellico	285	265	225	215	215	215	170	165	285	265	225	215	215	215	170	165				
Thaler, Andrew	Thaler, Andrew	2996	Jellico	285	265	225	215	215	215	170	165	285	265	225	215	215	215	170	165				
Taylor & Holland (Ernest Taylor)	Taylor & Holland	3063	Jellico	275	255	225	210	215	210	145	140	275	255	225	210	215	210	145	140				
Walden, John J.	Walden, John J.	2994	Jellico	285	265	225	210	215	210	145	140	285	265	225	210	215	210	145	140				
Walker & Jones (Luther Walker)	Walker & Jones	3064	Jellico	285	265	225	210	215	210	145	140	285	265	225	210	215	210	145	140				
Whetstone Coal Co. (William Chandler)	Whetstone Coal Co. (William Chandler)	2969	Blue Gem	335	315	235	220	225	225	145	140	335	315	235	220	225	225	145	140				

1 New prices shown for Billips-Harlan Coal Co. do not take effect for a period of 15 days after issuance of the order

¹ New prices shown for Billips-Harlan Coal Co. do not take effect for a period of 15 days after issuance of the order herein.

§ 328.42 General prices for low volatile coals—Appendix No. 2-B

(Prices in cents per net ton for shipment into all market areas)

Code member index	Mine	Seam	All lump	Fig. 8" top	Stover: 3" top	Nut or pea: 1 1/2"	Screened M/R	Straight M/R	1 1/4" screenings	3/4" screenings
			1	2	3	4	5	6	7	8
SUB DISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS										
Buchanan County, Va.										
Coleman, Auty.....	Chambers.....	Casty.....	305	305	290	230	270	205	155	150
Elswick, A. W.....	Elswick.....	Casty.....	305	305	290	230	270	205	155	150
McDowell County, W. Va.										
Lambert, E. O.....	Lambert.....	Red Ash.....	305	305	300	250	280	215	155	150
Tazewell County, Va.										
Mathus, Allen & W. H. Stevenson (Allen Mathus).....	Mathus & Stevenson, son.....	Red Ash.....	305	305	300	250	280	215	155	150
Russ & Stilwell (S. W. Stilwell).....	Russ & Stilwell.....	Raven Red Ash.....	305	305	300	250	280	215	155	150

[F. R. Doc. 41-4912; Filed, July 10, 1941; 10:22 a. m.]

[Docket Nos. A-873 and A-881]

PART 331—MINIMUM PRICE SCHEDULE,

DISTRICT NO. 11

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR TRUCK SHIPMENT BY CERTAIN MINES IN DISTRICT NO. 11; AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR RAIL SHIPMENT BY CERTAIN MINES IN DISTRICT NO. 11

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals

produced for truck and rail shipment by Mine No. 1 of David Elvin Price & Son, in District No. 11, which coals have not heretofore been so classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The Director deeming his action necessary in order to effectuate the purposes of the Act:

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 331.5 (Alphabetical list of code members) is amended by adding thereto Supplement R and § 331.24 (General prices in cents per net ton for

shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing

Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

Dated: June 27, 1941.

[SEAL]

H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 Alphabetical list of code members—Supplement R

Mine index No.	Name of code member	Mine	Seam	Subdist.	Freight origin group No.	Price group No.
130	Price & Son, David Elvin.....	No. 1	IV	LS	61	13

Mine Index No. 130 shall be included in Price Group 13 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 13 listed in Part 331, Minimum Price Schedule for District No. 11 for All Shipments Except Truck. On account of differences in freight rates, Mine Index No. 130 shall be accorded the same adjustments in f. o. b. mine price applicable to other mines in Freight Origin Group 61 having the same freight rates.

Mine Index No. 130 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index Nos. 3, 10, 19, 20, 21, 33, 38, 40, 46, 51, 52, 53, 60, 63, 65, 70, 71, 72, 73, 78, 85, 91, 101 in Part 331, Minimum Price Schedule for District No. 11, For All Shipments Except Truck.

TRUCK SHIPMENTS

§ 331.24 General prices in cents per net ton for shipment into all market areas—Supplement T

(Prices in cents per net ton for shipment into all market areas)

			Prices and size group numbers																																		
Code member index	Mine Index No.	Mine No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	
		Seam																																			
GREENE COUNTY																																					
Price & Son, David Elvin..	130	1	4	273	270	265	263	250	245	215	215	190	180	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[F. R. Doc. 41-4913; Filed, July 10, 1941; 10:22 a. m.]

[Docket No. A-846]

PART 333—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 13ORDER GRANTING TEMPORARY RELIEF AND
CONDITIONALLY PROVIDING FOR FINAL
RELIEF IN THE MATTER OF THE PETITION
OF DISTRICT BOARD 13 FOR THE ESTABLISH-
MENT OF MINIMUM PRICES FOR CERTAIN
COALS PRODUCED IN DISTRICT 13

An original petition and an amendment thereto, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for certain coals produced in District No. 13, which coals have not heretofore been classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith and supplementing the Schedules of Effective Minimum Prices for District No. 13 For All Shipments Except Truck and for Truck Shipments, § 333.6 (General prices) is amended by adding thereto that part of Supplement R which is designated as Supplement R-I, § 333.7 (Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads) is amended by adding thereto that part of Supplement R which is designated as Supplement R-II, § 333.7 (Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel) is amended by adding thereto that part of Supplement R which is designated as Supplement R-III, § 333.34 (General prices in cents per net ton for shipment into all Market Areas) is amended by adding thereto that part of Supplement T which is designated as Supplement T-I, § 333.43 (General prices in cents per net ton for shipment into all Market Areas) is amended by adding thereto that part of Supplement T which is designated as Supplement T-II, which supplements hereinafter set forth and made a part hereof shall be subject to minimum prices as provided in said supplements.

Certain mines in District No. 13¹, listed in the original petition, were not included in the attached rail supplement, designated as "Supplement R", for the reason that the records of the Division disclose that the code members shown in the petition as the present operators of mines for which rail and truck prices are prayed are no longer the operators of

those mines and have been succeeded by parties not mentioned in the original petition. The Division will take no action with respect to the price classifications and minimum prices proposed for these mines, pending receipt from District Board No. 13 of an appropriate amendment to the original petition containing the names of the successors to the mines in question. Upon the receipt of such an amendment, price classifications and minimum prices will be established for the coals of these mines.

Certain other mines in District No. 13,² listed in the original petition, were

¹ The following mines, listed in the original petition, were omitted from the attached rail schedule, designated as "Supplement R".

Mine index No.	Code members erroneously listed in petition	Location
443	May, Roy.....	Marion County, Ala.
491	West, W. I. & Co.....	Marion County, Ala.
911	Farris, Dee.....	Marion County, Ala.
439	Hughes, J. L. & Son.....	Marion County, Ala.
421	Dodd, Lee.....	Marion County, Ala.
570	Bradford, George.....	Marion County, Ala.
582	Harris & Hamilton.....	Marion County, Ala.

² The following mines, listed in the original petition, were omitted from the attached truck schedule, designated as "Supplement T".

Mine index No.	Code members erroneously listed in petition	Location
213	Stalkman & Copeland.....	Blount County, Ala.
341	Vest & Glass.....	Jefferson County, Ala.
987	Burgess, Willie.....	Marion County, Ala.
698	Gothard, D. L.....	Hamilton County, Tenn.
815	Sunshine Coal & Coke Co.....	Marion County, Tenn.

not included in the attached truck supplement, designated as "Supplement T," for the reason that prices for truck shipment have previously been established for the coals of these mines in prior proceedings before the Division.

No relief is granted herein to the Market Street Coal Company Mine, Mine Index No. 826, of the Market Street Coal Company and the Jonita Mine, Mine Index No. 729, of the Patton Coal Mining Company included in the original petition. The portion of Docket A-846 relating to these mines will be severed from the remainder of the original docket and redesignated for separate treatment as Docket A-846, Part II, for reasons set forth in an Order of Severance to be entered herein forthwith.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

[SEAL]

H. A. GRAY,

Dated: June 16, 1941.

Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 General prices—Supplement R-I

[Prices f. o. b. mines for shipment by railroad, applicable to all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
CULLMAN COUNTY, ALABAMA					
247	Davis, J. W.....	Davis.....	1	Black Creek.....	80
249	Freeman, Willie S. (Freeman Coal Co.).....	Freeman.....	1	Black Creek.....	80
253	King, J. M.....	J. M. King.....	1	Black Creek.....	80

These mines shall have the same price in size groups 1, 2, 4, 6 and 26 on all price tables as listed for mines with Index Numbers 22 and 23.

These mines shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mines with Index Numbers 22 and 23.

These mines shall have a price in size group 12 on all price tables, 20¢ higher than the price listed in size group 13 for mine with Index Number 14.

These mines shall have a price in size group 13 on all price tables, 10¢ higher than the price listed in size group 13 for mine with Index Number 14.

These mines shall have a price in size group 15 on all price tables, 15¢ higher than the price listed for mine with Index Number 11.

These mines shall have the same price in size group 17 on all price tables as listed for mine with Index Number 22.

These mines shall have the same price in size group 20 on all price tables as listed in size group 13 for mine with Index Number 14.

These mines shall have a price in size group 22 on all price tables, 10¢ under the price listed in size group 17 for mine with Index Number 71.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
MARION COUNTY, ALA.					
1010	Box, W. Troy	Box & Sullivan	1	Black Creek	101
1078	Brook & Pratt (T. S. Brook)	Box & Sullivan #2	1	Black Creek	101
963	Bryant, Edd & Jack	Bryant & Bryant	1	Black Creek	101
1007	Cooper, Jack	M. Weeks #4	1	Black Creek	101
765	Doss, Leach	Harbin #5	1	Black Creek	101
424	Downey, J. T.	Miles & Holt #5	1	Black Creek	101
106	Ganey, S. A.	Eldridge	1	Black Creek	101
110	Leath, Geo. Sr.	Leath #1	1	Black Creek	101
107	Leath, Geo. Jr.	Leath #2	1	Black Creek	101
438	Matthews, Elbert	New Wheeler #3	1	Black Creek	101
123	Norris, Raymond	Lee Kelly #6	1	Black Creek	101
400	Norris, Ross	Norris	1	Black Creek	101
434	Rutledge, C. C.	Herron	1	Black Creek	101
1008	Rutledge & Dary	Wheeler #4	1	Black Creek	101
455	Sexton, Raymond	Sexton	1	Black Creek	101
480	Taylor, F. B.	Taylor	1	Black Creek	101
1023	Tidwell, Lewis & W. C.	Hallmark Hollow	1	Black Creek	101
1076	Tidwell, Robert	Ingram #1	1	Black Creek	101
972	Whitehead, C. W.	Kelly #6	1	Black Creek	101
1074	Wideman & Martin (Cletus Wideman)	Weeks #1	1	Black Creek	101

These mines shall have the same prices in size groups 1, 4, 6, 17, 18 and 26 on all price tables as listed for mine with Index Number 18.

These mines shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 18.

These mines shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.

These mines shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 18.

These mines shall have a price in size group 20 on all price tables, 5¢ higher than the price listed in size group 17 for mine with Index Number 18.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
MARION COUNTY, ALA.					
1015	Aldridge, Gray	Wheeler #6	1	Black Creek	101
121	Anderson, C. E.	Butler #3	1	Black Creek	101
1022	Beasley & Doss	Beasley & Doss	1	Black Creek	101
408	Bishop, Webb	Wheeler #4	1	Black Creek	101
763	Butler, Clarence	Butler #1	1	Black Creek	101
764	Butler, Clarence	Butler #2	1	Black Creek	101
436	Guthrie, Fred	Wheeler #5	1	Black Creek	101
1075	Weeks, Leatha	Weeks #4	1	Black Creek	101

These mines shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.

These mines shall have a price in size group 20 on all price tables, 5¢ higher than the price listed in size group 17 for mine with Index Number 18.

These mines shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 18.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
JEFFERSON COUNTY, ALABAMA					
238	Castleberry & Son, W. T.	Castleberry	1	Black Creek	31
221	Manafey, J. W.	Manafey's	1	Black Creek	31

These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index Number 76.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
JEFFERSON COUNTY, ALA.					
386	Trotter, C. W.	Trotter Coal Co.	1	Black Creek	31
113	Crane Bros.	Crane Bros.	1	Black Creek	31

These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index Number 76.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
JEFFERSON COUNTY, ALA.					
510	Daisy City Coal Co. (Damon Negron)	Daisy City #1 & #2	1	Pratt	50
1020	Daisy City Coal Co.	Daisy City #3	1	Pratt	50
882	Daisy City Coal Co.	Daisy City #4	1	Pratt	50
114	Daisy City Coal Co.	Daisy City #5	1	Pratt	50
1303	Daisy City Coal Co.	Daisy City #6	1	Pratt	50

These mines shall have the same prices in size groups 13 and 23 on all price tables as listed for mine with Index Number 71.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
JEFFERSON COUNTY, ALA.					
115	McCarty, David	McCarty Coal Co.	1	Pratt	31

This mine shall have the same prices in size groups 1, 13 and 23 on all price tables as listed for mine with Index Number 71.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
JEFFERSON COUNTY, ALA.					
331	Tombrello Coal Co.	Tombrello	1	Pratt	50
333	Tombrello Coal Co.	Nickle Plate #2	1	Nickle Plate	50

This mine shall have the same prices in size groups 1, 2, 4 and 26 on all price tables as listed for mine with Index Number 18.

This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 18.

This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.

This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 18.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
485	Webb & Smith.....	Lee Kelly #1.....	1	Black Creek.....	101
MARION COUNTY, ALA.					

This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 18.

This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.

This mine shall have the same prices in size groups 17, 18 and 26 on all price tables as listed for mine with Index Number 18.

This mine shall have a price in size group 20 on all price tables, 5¢ higher than the price listed in size group 17 for mine with Index Number 18.

This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 18.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
786	Walker Coal Company, W. V.....	Walkers.....	1	Milldale.....	42
TUSCALOOSA COUNTY, ALA.					

This mine shall have the same price in size group 23 on all price tables as listed in size group 18 for mine with Index Number 17.

This mine shall have the same price in size group 13 on all price tables as listed for mine with Index Number 9.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
1166	Williams, Ben (Williams Coal Co.).....	Ben Williams #2.....	1	Milldale.....	31
TUSCALOOSA COUNTY, ALA.					

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
411	Burgess, J. H.....	Burgess.....	1	Black Creek.....	101
437	Hollis, Vester.....	Hollis #6.....	1	Black Creek.....	101
109	Miles, Roy.....	Hollis #2.....	1	Black Creek.....	101
897	Morgan, Perry A.....	Roy Miles #3.....	1	Black Creek.....	101
965	Sexton, Austin.....	Weeks #2.....	1	Black Creek.....	101
489	Weeks, M.....	M. Weeks.....	1	Black Creek.....	101
122	Weeks, Will C.....	Butler #2.....	1	Black Creek.....	101

These mines shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 18.

These mines shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.

These mines shall have a price in size group 20 on all price tables, 5¢ higher than the price listed in size group 17 for mine with Index Number 18.

These mines shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 18.

These mines shall have the same price in size group 26 on all price tables as listed for mine with Index Number 18.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
427	Orlick, T. T.....	Kelly #3.....	1	Black Creek.....	101
MARION COUNTY, ALA.					

This mine shall have the same prices in size groups 1, 4, 6 and 26 on all price tables as listed for mine with Index Number 18.

This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed for size group 6 for mine with Index Number 18.

This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.

This mine shall have a price in size group 20 on all price tables, 5¢ higher than the price listed in size group 17 for mine with Index Number 18.

This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 18.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
484	Townsend & Bass (C. M. Townsend).....	Townsend.....	1	Black Creek.....	112
MARION COUNTY, ALA.					

This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 14.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
855	McGough, Ed.	McGough 1, 2, 3, and 4.	1	Black Creek.	113

This mine shall have the same prices in size groups 1, 2, 4, 13, 19 and 26 on all price tables as listed for mine with Index Number 14.

This mine shall have a price in size groups 7, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 17 and 18, respectively, for mine with Index Number 14.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
1249	Naramore Coal Co. (W. A. Naramore)	New Rieton	1	Mt. Carmel	121

This mine shall have the same price in size group 1 on all price tables as listed for mine with Index Number 31.

This mine shall have a price in size groups 13 and 23 on all price tables, 10¢ under the prices listed in size groups 42 and 18, respectively, for mine with Index Number 31.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
1181	Swann, Claude C.	Swann Coal Co.	1	Blue Creek.	102

This mine shall have the same prices in size groups 1, 2, 4, 13, 19 and 26 on all price tables as listed for mine with Index Number 14.

This mine shall have a price in size groups 7, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 17 and 18, respectively, for mine with Index Number 14.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
1192	Brimer, A. J.	Sahara #2	1	Black Creek.	112

This mine shall have the same prices in size groups 1, 2, 4, 13, 19 and 26 on all price tables as listed for mine with Index Number 14.

This mine shall have a price in size groups 7, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 17 and 18, respectively, for mine with Index Number 14.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
111	Hilton & Harris (M. F. Hilton)	Millstone #11	1	Black Creek	111
103	Vanderford, Wallace	Vanderford	1	Black Creek	111

These mines shall have the same prices in size groups 1, 2, 4, 13, 19 and 26 on all price tables as listed for mine with Index Number 14.

These mines shall have a price in size groups 7, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 17 and 18, respectively, for mine with Index Number 14.

§ 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
1015	Aldridge, Gray	Wheeler #6	1	Black Creek	101
1021	Anderson, C. E.	Butler #3	1	Black Creek	101
1022	Beasley & Doss	Beasley & Doss	1	Black Creek	101
408	Bishop, Webb	Wheeler #4	1	Black Creek	101
1010	Box, W. Troy	Box & Sullivan	1	Black Creek	101
1078	Brook & Pratt (F. S. Brock)	Box & Sullivan #2	1	Black Creek	101
453	Bryant, Ed & Jack	Bryant & Bryant	1	Black Creek	101
411	Burges, J. H.	Burges	1	Black Creek	101
763	Butler, Clarence	Butler #1	1	Black Creek	101
764	Butler, Clarence	Butler #2	1	Black Creek	101
1007	Coppey, Jack	M. W.	1	Black Creek	101
427	Crick, T. T.	Kelly #3	1	Black Creek	101
765	Doss, Leach	Harbin #5	1	Black Creek	101
424	Downey, J. T.	Miles & Holt #5	1	Black Creek	101
106	Ganey, S. A.	Eldridge	1	Black Creek	101
436	Guthrie, Fred	Wheeler #5	1	Black Creek	101
437	Hollis, Vester	Hollis #6	1	Black Creek	101
110	Leith, Geo. Sr.	Leith #1	1	Black Creek	101
107	Leith, Geo. Jr.	Leith #2	1	Black Creek	101
438	Matthews, Elbert	New Wheeler #3	1	Black Creek	101
100	Miles, Roy	Hollis #2	1	Black Creek	101
807	Morgan, Perry A.	Roy Miles #3	1	Black Creek	101
460	Norris, Boss	Norris	1	Black Creek	101
123	Norris, Raymond	Lee Kelly #3	1	Black Creek	101
434	Ruthledge, C. C.	Herron	1	Black Creek	101
1008	Ruthledge & Darty	Wheeler #4	1	Black Creek	101
965	Sexton, Austin	Weeks #2	1	Black Creek	101
455	Sexton, Raymond	Sexton	1	Black Creek	101
490	Taylor, F. B.	Taylor	1	Black Creek	101
1023	Tidwell, Robert	Ballmark Hollow	1	Black Creek	101
1076	Tidwell, Robert	Ingram #1	1	Black Creek	101
484	Townsend & Bass (C. M. Townsend)	Townsend	1	Black Creek	101
485	Webb & Smith	Lee Kelly #1	1	Black Creek	101
1039	Weeks, W. C.	M. Weeks	1	Black Creek	101
1023	Weeks, W. C.	Weeks #1	1	Black Creek	101
972	Whitman, C. W.	Butler #2	1	Black Creek	101
1034	Whitman & Martin (Clertus Whitman)	Kelly #6	1	Black Creek	101
1034	Whitman & Martin (Clertus Whitman)	Weeks #1	1	Black Creek	101

All of the above mines shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See Page 36 of Price Schedule No. 1)

These mines shall have the same prices on price table as set forth on Page 38 of Schedule No. 1 for District No. 13 as shown for mines with Index Numbers 18, 19, etc.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
484	MARION COUNTY, ALA. Townsend & Bass (C. M. Townsend)	Townsend	1	Black Creek	112

This mine shall have a price of \$2.85 for size group 13, and a price of \$2.75 for size group 23 for Steamship Vessel Fuel.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
591	WALKER COUNTY, ALA.	Click, Joe			
793		Cupps, D. D.			
797		Franklin, E. B.			
600		Glover, N. E.			
621		Lockhart, W. H.			
645		Lockhart, Herman			
647		Rice, Preston			
646		Rice, W. P.			
657		Taft, W. M. (Taft Coal Co.)			
591		Henson #4	1	Black Creek	80
793		Tucker #7	1	Black Creek	80
597		Tucker #16	1	Black Creek	80
600		Tucker #8	1	Black Creek	80
621		Lockhart	1	Black Creek	80
645		Rice #4	1	Black Creek	80
647		Rice #1	1	Black Creek	80
646		Rice #3	1	Black Creek	80
657		Taft	1	Black Creek	80

These mines shall have the same prices on price table as set forth on Page 38 of Schedule No. 1 for District No. 13 as shown for mines with Index Numbers 22 and 23.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
104	WALKER COUNTY, ALA. McCullar & Bunn	McCullar & Bunn	1	Jagget	101

This mine shall have the same prices on price tables as set forth on Page 38 of Schedule No. 1 for District No. 13 as shown for mines with Index Numbers 30, 31, etc.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
1077	WALKER COUNTY, ALA.	Hobson, John T.			
624		McGough & Co., J. Tom			
835		McGough, Ed.			
1181		Swann, Claude C.			
1077		I. T. Bonner #2	1	Black Creek	101
624		McGough	1	Black Creek	113
835		McGough 1, 2, 3, and 4	1	Black Creek	113
1181		Swann Coal Co.	1	Blue Creek	102

These mines shall have a price of \$2.85 for size groups 13 and 19, and a price of \$2.75 for size group 23 for Steamship Vessel Fuel.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
1192	WINSTON COUNTY, ALA.	Brimer, A. J.			
111		Hilton & Harris (M. F. Hilton)			
103		Vanderford, Wallace			
1192		Sahara #2	1	Black Creek	112
111		Millstone #11	1	Black Creek	111
103		Vanderford	1	Black Creek	111

These mines shall have a price of \$2.85 for size groups 13 and 19, and a price of \$2.75 for size group 23 for Steamship Vessel Fuel.

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
591	WALKER COUNTY, ALA.	Click, Joe			
600		Glover, N. E.			
1077		Hobson, John T.			
304		Lockhart, W. H.			
304		McCullar & Bunn			
855		McGough, Ed.			
624		McGough			
1249		Naramore Coal Co. (W. A. Naramore)			
1181		Swann, Claude C.			
1192	WINSTON COUNTY, ALA.	Brimer, A. J.			
111		Hilton & Harris (M. F. Hilton)			
103		Vanderford, Wallace			
591		Henson #4	1	Black Creek	80
600		Tucker #8	1	Black Creek	80
1077		I. T. Bonner #2	1	Black Creek	101
304		Lockhart	1	Black Creek	80
304		McCullar & Bunn	1	Jagget	101
855		McGough 1, 2, 3, and 4	1	Black Creek	113
624		McGough	1	Black Creek	113
1249		New Riceston	1	Mt. Carmel	121
1181		Swann Coal Co.	1	Blue Creek	102
1192		Sahara #2	1	Black Creek	112
111		Millstone #11	1	Black Creek	111
103		Vanderford	1	Black Creek	111

All of the above mines in the various counties shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See Page 36 of Price Schedule No. 1.)

§ 333.7 Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel—Supplement P-III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel, subject to price instructions and exceptions]

Mine index No.	Code member	Mine	S. D.	Seam	Freight origin group
1015	MARION COUNTY, ALA.	Aldridge, Gray			
121		Anderson, C. E.			
1022		Bishop, Webb			
408		Wheeler #4			
1010		Box, W. Troy			
1078		Brook & Pratt (T. S. Brook)			
963		Bryant, Ed. & Jack			
411		Burgess, J. H.			
763		Butler, Clarence			
764		Butler, Clarence			
1007		Cooper, Jack			
427		Creek, T. T.			
765		Doss, Lemuel			
424		Downey, J. T.			
106		Ganey, S. A.			
436		Graham, Fred			
437		Harris, Vester			
1010		Leith, Geo. Jr.			
102		Leith, Geo. Sr.			
438		Matthews, Elbert			
109		Miles, Roy			
877		Morgan, Parry A.			
460		Norris, Ross			
123		Norris, Raymond			
434		Rutledge, C. C.			
1008		Rutledge & Darty			
965		Sexton, Austin			
455		Sexton, Raymond			
480		Taylor, F. B.			
1076		Tidwell, Lewis & W. C.			
1073		Tidwell, Robert			
489		Weeks, M.			
1075		Weeks, Leatha			
122		Weeks, Will C.			
972		Whitehead, C. W.			
1074		Wideman & Martin			
485		Webb & Smith			
1015		Wheeler #6	1	Black Creek	104
121		Butler #6	1	Black Creek	101
1022		Bishop & Doss	1	Black Creek	101
408		Wheeler #4	1	Black Creek	101
1010		Box & Sullivan #2	1	Black Creek	101
1078		Bryant & Bryant	1	Black Creek	101
963		Burgess	1	Black Creek	101
411		Butler #1	1	Black Creek	101
763		Butler #2	1	Black Creek	101
764		Butler #3	1	Black Creek	101
1007		Cooper #4	1	Black Creek	101
427		Creek #5	1	Black Creek	101
765		Harbin #5	1	Black Creek	101
424		Miles & Holt #5	1	Black Creek	101
106		Eldridge	1	Black Creek	101
436		Wheeler #5	1	Black Creek	101
437		Hollis #5	1	Black Creek	101
1010		Leith #1	1	Black Creek	101
102		Leith #2	1	Black Creek	101
438		New Wheeler #3	1	Black Creek	101
109		Hollis #2	1	Black Creek	101
877		Roy Miles #3	1	Black Creek	101
460		Norris	1	Black Creek	101
123		Lee Kelly #3	1	Black Creek	101
434		Herron	1	Black Creek	101
1008		Wheeler #4	1	Black Creek	101
965		Weeks #2	1	Black Creek	101
455		Sexton	1	Black Creek	101
480		Taylor	1	Black Creek	101
1076		Hallmark Hollow	1	Black Creek	101
1073		Ingram #1	1	Black Creek	101
489		M. Weeks	1	Black Creek	101
1075		Weeks #4	1	Black Creek	101
122		Butler #2	1	Black Creek	101
972		Kelly #2	1	Black Creek	101
1074		Weeks #1	1	Black Creek	101
485		Lee Kelly #1	1	Black Creek	101

FOR TRUCK SHIPMENT
§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-1

[Prices in cents per ton for shipment into all market areas]

Code member index	Mine	Sub-dis- trict	Mine index No.	Seam	Lump, over 2' top size over 6"	Egg, top size 6" and under	Lump; top size 2' and under	Nut; top size 3" and under bot. size over 1/2"		Chestnut; top size 3" and under bot. size 1/2" and under 1/4"		Chestnut top size 1/4" and under bot. size 1/2" and under 1/4"		Run of mine modi- fied R/M		Resultants 3" and under		Screenings 1 1/2" and under		Indus- trial coal *	
								Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw				
ALABAMA																					
ETOWAH COUNTY																					
Confelt, Leo	No. 10	2	1,252	Underwood	345	345	320	316	295	295	270	280	255	250	250	250	250	250	250	250	
JEFFERSON COUNTY																					
Layne, M. F.	Klondyke	2	1,240	Lower Nunnally	280	280	275	265	275	275	275	270	250	250	250	250	250	250	250	250	
McClary, David	McClary Coal Co.	2	1,115	Pratt	325	325	325	320	310	310	305	305	305	305	305	305	305	305	305	305	
Moore, Bert	Moore	2	1,250	Harkness	355	355	340	335	315	315	300	300	275	275	275	275	275	275	275	275	
Smith, F. R.	Smith	2	1,245	Black Creek	355	355	340	345	325	310	300	295	285	285	285	285	285	285	285	285	
MARION COUNTY																					
Ganey, S. A.	Elbridge	2	1,06	Black Creek	385	385	360	335	315	315	305	310	300	300	300	300	300	300	300	300	
Leith, George, Jr.	Leith #2	2	1,07	Black Creek	385	385	360	335	315	315	305	310	300	300	300	300	300	300	300	300	
Leith, George, Sr.	Leith #1	2	1,10	Black Creek	385	385	360	335	315	315	305	310	300	300	300	300	300	300	300	300	
May, Roy	Diamond M-2	2	1,08	Black Creek	385	385	360	335	315	315	305	310	300	300	300	300	300	300	300	300	
Miles, Roy	Hollis #2	2	1,09	Black Creek	385	385	360	335	315	315	305	310	300	300	300	300	300	300	300	300	
Misskelly, Fred	Lee Kelly #6	2	1,245	Black Creek	385	385	360	335	315	315	305	310	300	300	300	300	300	300	300	300	
O'Mary, W. A.	W. A. O'Mary	2	1,247	Black Creek	385	385	360	335	315	315	305	310	300	300	300	300	300	300	300	300	
Vickery, Belton	Anderson #2	2	1,246	Black Creek	385	385	360	335	315	315	305	310	300	300	300	300	300	300	300	300	
WALKER COUNTY																					
McCullar & Bunn	McCullar & Bunn	2	1,04	Jagger	280	280	275	265	275	275	275	270	250	250	250	250	250	250	250	250	
Naramore Coal Co. (W. A. Naramore)	New Ricketon	2	1,249	Mt. Carmel	275	275	275	265	275	275	275	270	250	250	250	250	250	250	250	250	
Wynn, C. P.	Burnwell	2	1,226	Mary Lee	275	275	275	265	275	275	275	270	250	250	250	250	250	250	250	250	
Williams, L. J.	Blackwell	2	1,237	Black Creek	385	385	360	335	315	315	305	310	300	300	300	300	300	300	300	300	
WINSTON COUNTY																					
Hilton & Harris	Millstone #11	2	1,11	Black Creek	385	385	360	335	315	315	305	310	300	300	300	300	300	300	300	300	
Vanderford, Wallace	Vanderford	2	1,03	Black Creek	385	385	360	335	315	315	305	310	300	300	300	300	300	300	300	300	

*For sizes included, see Size Group Table.

§ 333.43 General prices in cents per net ton for shipment into all market areas—Supplement T-11

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Sub-district	Seam	Tennessee-Georgia Hamilton County, Tenn.															
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
					Lump, over 2', egg top size over 6"	Egg, top size 6" and under; bot. size 2" and under	Lump, 2" and under	Nut, top size 2" and under; bot. size 1" and under	Blocker, top size 1 1/4" and under; bot. size 3/4" and under	Blocker, top size 3/4" and under; bot. size 3/4" and under	Straight and modified M/R	Results, 5" and under	Results, 4" and under	Screenings, 2" and under	Screenings, 1 1/2" and under	Screenings, 1 1/2" and under	Screenings, 3/4" and under	Screenings, 3/4" and under	Industrial coal*	
Barnes & McLain.....	Suck Creek #2.....	1234	4	No. 10.....	305	305	295	250	240	230	225	225	225	205	205	205	190	155	250	
Barnes & McLain.....	Hickman.....	1235	4	No. 10.....	305	305	295	250	240	230	225	225	225	205	205	205	190	155	250	

[F. R. Doc. 41-4914; Filed, July 10, 1941; 10:22 a. m.]

[Docket No. A-890]

PART 335—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at certain mines in District No. 15; and

It appearing that the original petition proposes the establishment of price classifications and minimum prices for the coals of the J. & W. mine in St. Clair County, Missouri, operated by J. & W. Coal Co.; that the coals of Mine Index No. 703 in Bates County, Missouri, presently operated by J. & W. Coal Co. have been previously classified and priced, but that J. & W. Coal Co. has made no report to the Division concerning any mine operated by it in St. Clair County, Missouri, as required by Bituminous Coal Division Order No. 288; and that no relief should be granted as to the coals of such J. & W. mine in St. Clair County, Missouri, pending the filing of further information concerning such mine; and

It appearing that the information heretofore furnished to the Division by Consumers Coal Co., a code member in District No. 15, and that set forth in the original petition fails to disclose the location of the railway loading facilities of the Consumers mine, Mine Index No. 1168, of Consumers Coal Co., and that the original petition does not, therefore, contain sufficient information for the establishment of price classifications and minimum prices for shipment by rail for the coals produced at Mine Index No. 1168; and that no relief should be granted as to the coals of Mine Index No. 1168 for all shipments except truck, pending the filing of further information concerning the location of the railway loading facilities of that mine; in all other respects

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 335.5 (Alphabetical list of code members) is amended by adding thereto Supplement R and § 335.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements hereinafter set forth are made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted may be

filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

June 27, 1941.

[SEAL]

H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO 15

NOTE: The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 Alphabetical list of code members—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Mine index No.	Code member	Mine name	Production Group No.	Freight origin group No.	Price classification by size group														
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
165	Hannah, C. N. (Hannah Coal Co.)	Hannah.....	3	112	A	A	A	A	C	C	C	C	A	C	A	A	...	A	A
1097	Plainview Coal Co.* (W. J. Richard).	Richard.....	8	100	A	A	A	A	...	A	...	A	A	A	A	...	A	...	A

*Mine previously classified as truck mine only.

A is Market Area list price as listed in Part 335, Minimum Price Schedule for District No. 15; B, minus 5 cents from list price; C, minus 10 cents from list price.

FOR TRUCK SHIPMENTS

§ 335.24 General prices in cents per net ton for shipment into all market areas—
Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Production group No.	County	Size group														
					3" lump	3" up	10" x 1 1/2"	10" x 1 1/4"	3" x 2"	3" x 1 1/2"	2" x 1 1/4"	1 1/4" x 1"	Mine run	3" x 0	1 1/4" x 3/4"	1 1/4" x 1/2" (R)	1 1/4" x 0 (W)	1 1/4" x 0 (R)	1 1/4" x 0
Bowman, Phillip....	1435	Bunkerhill....	3	Linn, Mo.....	250	250	250	250	225	210	195	185	230	180	205	190	...	130	35
Brown & Davison....	1436	Brown & Davison,	3	Macon, Mo....	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Hannah, C. N. (Hannah Coal Co.)	165	Hannah.....	3	Randolph, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Hughes, Morrison....	1424	No. 2.....	3	Boone, Mo....	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Jonnum Coal Co.....	1426	Jonnum Coal Co.	1	Crawford, Kans.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Morgan, E. L.....	1437	Morgan.....	3	Randolph, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Smith & Palmer (Morris Palmer)	1364	Smith & Palmer	3	Randolph, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Swetnam, Matt.....	1438	Swetnam.....	3	Randolph, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Wallen, Henry.....	1211	Wallen Coal Co.	3	Ralls, Mo....	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35

NOTE: Prices shown for Production Groups Nos. 2 and 3 in Size Groups Nos. 5, 6, 7, 8 and 10 are for washed coal. Raw or unwashed coal may be sold for 10¢ less than the prices shown.

[F. R. Doc. 41-4915; Filed, July 10, 1941; 10:23 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 52, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.¹

JULY 11, 1941.

§ 131.52 *General License No. 52.* (a) A general license is hereby granted licensing any transaction referred to in Section 1 of the Order, if such transaction is by, or on behalf of, or pursuant to the direction of Spain, or any national thereof, or such transaction involves property in which Spain, or any national thereof, has at any time on or since the effective date of the Order had any interest: *Provided*, That:

(1) Such transaction is not by, or on behalf of, or pursuant to the direction of any blocked country or any national thereof, other than Spain or any national of Spain; and

(2) Such transaction does not involve property in which any blocked country or any national thereof, other than Spain or any national of Spain, has at any time on or since the effective date of the Order had any interest; and

(3) If such transaction is not by, or on behalf of, or pursuant to the direction of the Instituto Espanol de Moneda Extranjera, such transaction shall not be effected until the Instituto Espanol de Moneda Extranjera has certified in writing that the Instituto Espanol de Moneda Extranjera has determined that such transaction complies with the conditions of subparagraphs (1) and (2) above.

(b) This general license also authorizes any payment or transfer from a blocked account in which any national of Spain has an interest to a blocked account in a domestic bank in the name of the Instituto Espanol de Moneda Extranjera; *Provided, however*, That this authorization shall not be deemed to authorize any payment or transfer from a blocked account in which any national of a blocked country, other than Spain, has an interest, or has had an interest at any time on or since the effective date of the Order.

(c) Except as provided in paragraph (b), this general license shall not be deemed to permit any payment, transfer or withdrawal from any blocked account other than blocked accounts in the name of the Instituto Espanol de Moneda Extranjera, until the Instituto Espanol de

Moneda Extranjera has certified, with respect to the transaction, as provided in paragraph (a) (3) above.

(d) This general license shall not apply with respect to any national of Spain who is also a national of any other blocked country.

(e) Banking institutions within the United States engaging in any transactions authorized by this general license shall file promptly with the appropriate Federal Reserve Bank weekly reports setting forth the details of transactions effected by them under this license.

[SEAL]

E. H. FOLEY, Jr.,

Acting Secretary of the Treasury.

[F. R. Doc. 41-4945, Filed July 11, 1941; 11:52 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

[Preference Rating Order P-15¹]

PART 948—MATERIALS ENTERING INTO THE PRODUCTION OF ELECTRICAL RELAYS AND SOLENOID ASSEMBLIES

In the interest of the national defense and pursuant to authority vested in the Director of Priorities, it is hereby ordered:

§ 948.1 *Preference rating order.* (a) Subject to all the terms, conditions and requirements of this Order, preference rating A-1-d is hereby assigned:

(1) In favor of the Producer (as hereinafter defined) and in favor of each Rated Subcontractor (as hereinafter defined) to be applied to deliveries of material entering, directly or indirectly, at any stage of production, into Electrical Relays and Solenoid Assemblies produced to fulfill the Defense Orders of the Producer: *Always provided, however*, That any such material is included in the current Priorities Critical List of the Army and Navy Munitions Board, as amended from time to time.

(2) In favor of the Producer to deliveries of material consisting of cutting and other perishable tools and equipment of like nature other than machine tools or similar machinery required in the manufacture of the above specified Electrical Relays and Solenoid Assemblies.

(b) For the purposes of this Order:

(1) "Defense Orders" means contracts or orders for material, unfinished, semi-finished, or finished, which, at any stage of production, enters into the manufacture, processing, or fabrication of products to be delivered to, or for the account of

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, or the National Advisory Commission for Aeronautics;

(ii) The Government of Great Britain;

(iii) The Government of any other country whose defense the President deems vital to the Defense of the United States under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States";

(iv) Any other Government agency or any Person, when the Director of Priorities deems such contract or order necessary or appropriate to promote the defense of the United States, and shall have assigned a preference rating of A-10 or higher thereto.

(2) "Producer" means the person, firm or corporation, or any division or plant thereof, engaged in the production of Electrical Relays and Solenoid Assemblies for Defense Orders, and to whom a copy of this Order is specifically addressed, and who has accepted the same in the manner in (c) below set forth.

(3) "Supplier" means any individual, firm or corporation, holding a contract or order for the delivery of material which enters into the production, directly or indirectly, at any stage of production, of the above specified Electrical Relays and Solenoid Assemblies by the Producer, and in whose favor the preference rating as herein provided *has not* been extended. When the preference rating herein provided *has* been extended in favor of a Supplier, and such Supplier has accepted the same in the manner in (c) below set forth, such Supplier then becomes what is hereinafter called a "Rated Subcontractor".

(c) The Producer, and each Rated Subcontractor, shall, so long as this Order is in effect as to him:

(1) Maintain accurate records of all extensions of such preference ratings hereunder pursuant to this Order, stating the name and address of each Rated Subcontractor to whom such preference rating has been extended; and the kinds, values and quantities of material covered by each such extension, and dates of delivery thereof; and maintain records, according to sound accounting practices, of inventories and stocks on hand, and contracts and orders on his books, and of schedules of deliveries, required pursuant to such contracts or orders. Such records shall be preserved for at least 1 year after the revocation or expiration of this Order or modifications or amendments thereto.

(2) Furnish information respecting the matters covered by (c) (1), and respecting any other pertinent matters to the Priorities Division, Office of Production Management, from time to time, as required by said Division. Until further

¹Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941; Regulations, April 10, 1940, as amended June 14, 1941.

¹This order will be issued from time to time to various producers of electrical relays the solenoid assemblies for defense orders, as directed by the Director of Priorities.

ordered, such information shall be so furnished on the 15th day of each month for the preceding month as required by Form PD-57,¹ annexed hereto; or on any other form of report which may be approved by the Priorities Division, which shall be sent to the Priorities Division, Office of Production Management, Washington, D. C.; which report must be certified by an authorized officer or individual of the Producer or Rated Subcontractor furnishing the same, and further certified by a Contracting or Procurement Officer, or Inspector of the Army or Navy as provided in said report; or, in the alternative, a Producer or Rated Subcontractor shall send to the Priorities Division, Office of Production Management, on the 15th day of each month, copies of all purchase orders to which said preference rating has been applied in the preceding month: *Provided, however*, That such purchase orders contain the following information: Vendor's name, description, unit quantities and dollar value of the material ordered, together with the delivery or delivery schedule thereof. Such purchase orders shall be accompanied by the certificate of an authorized officer or individual of the Producer or Rated Subcontractor furnishing the same, and a certificate by a Contracting or Procurement Officer or Inspector of the Army or Navy in the form set forth in Form PD-57A,¹ annexed hereto.

(3) Submit, from time to time, to an audit and inspection by representatives of the Division of Priorities respecting matters covered by (c) (1) and (2).

(d) The Director of Priorities will take action to revoke the Order as to any Producer or Rated Subcontractor who fails to file the report as required in (c) (2) above.

(e) In order to apply said preference rating to the delivery by Suppliers of any material which enters into the production, directly or indirectly, at any stage of production, of the aforesaid Electrical Relays and Solenoid Assemblies by the Producer, the Producer or Rated Subcontractor shall take the following steps:

(1) Execute a copy of this Order as provided at the end hereof and transmit such copy to the Director of Priorities, and

(2) Execute an additional copy for each Supplier to whose deliveries of such material said preference rating is to apply, which copy must, in all cases, be countersigned by a Contracting or Procurement Officer, or Inspector of the Army or Navy in the manner provided at the end of this Order; and furnish such additional copy, so executed and countersigned, to each such Supplier. One such copy furnished to a Supplier shall be deemed to cover all deliveries of such material by such Supplier to the

Producer or Rated Subcontractor by whom it is furnished to him, whether such deliveries are pursuant to one or more Defense Orders, for one or more types of material, or by one or more orders placed at one time or from time to time, but this provision shall not relieve the Producer or Rated Subcontractor from furnishing the regular report provided in (c) (2) above.

(f) This Order, or any extensions thereof, may be revoked, modified or amended by the Director of Priorities at any time as to the Producer or as to any or all Rated Subcontractors. In the event of any such revocation, or upon expiration of this Order by its terms, any deliveries of material already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of such preference rating shall be made to any other deliveries by the Producer and/or Rated Subcontractor affected by said revocation or expiration. Further, in the event of revocation of this Order, the Producer and/or each Rated Subcontractor affected thereby, shall each return to the Priorities Division the copy of this Order whereby the preference rating was assigned or extended in his favor within 3 days of such revocation; and the Director of Priorities may notify all affected Rated Subcontractors and other Suppliers of such revocation. Nothing in this paragraph shall affect any specific *Preference Rating Certificates* issued to the Producer or any Rated Subcontractor independently of this Order.

(g) This Order and the assignment of the preference rating herein provided shall take effect on the 11th day of July 1941, and, unless sooner revoked, shall expire on the 31st day of December 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191, sec. 2 (a), Public No. 671, 76th Congress)

Issued this 11th day of June 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

FOR EXECUTION BY THE PRODUCER OR RATED
SUBCONTRACTOR

The undersigned acknowledges receipt of the above Order; accepts the same; agrees to all its terms, conditions and requirements; and promises to perform the requirements of, and to submit to the audits and investigations as provided in, section (c) of said Order.

Executed this _____ day of _____,
19____.

(Name of Producer or Rated
Subcontractor)

By _____
(Authorized officer or individual)

CERTIFICATION BY ARMY OR NAVY CONTRACTING
OR PROCUREMENT OFFICER OR INSPECTOR

I hereby certify that the Producer, or Rated Subcontractor, identified below has executed a copy of the above Order and has transmitted the same to the Director of

Priorities, Office of Production Management, Washington, D. C.

Dated this _____ day of _____, 19____.

(Name of Producer or Rated
Subcontractor)

(Signature of officer or inspector)

[F. R. Doc. 41-4943; Filed, July 11, 1941;
11:51 a. m.]

[Preference Rating Order P-16¹]

PART 952—MATERIALS ENTERING INTO THE
PRODUCTION OF RADIO RECEIVING,
TRANSMITTING AND DIRECTIONAL EQUIP-
MENT

In the interest of the national defense and pursuant to authority vested in the Director of Priorities, it is hereby ordered:

§ 952.1 *Preference rating order* (a) Subject to all the terms, conditions and requirements of this Order, preference rating A-1-c is hereby assigned

(1) In favor of the Producer (as hereinafter defined) and in favor of each Rated Subcontractor (as hereinafter defined) to be applied to deliveries of material entering, directly or indirectly, at any stage of production, into Radio Receiving, Transmitting and Directional Equipment produced to fulfill the Defense Orders of the Producer. *Always provided, however*, That any such material is included in the current Priorities Critical List of the Army and Navy Munitions Board, as amended from time to time.

(2) In favor of the Producer to deliveries of material consisting of cutting and other perishable tools and equipment of like nature other than machine tools or similar machinery required in the manufacture of the above specified Radio Receiving, Transmitting and Directional Equipment.

(b) For the purposes of this Order:

(1) "Defense Orders" means contracts or orders for material, unfinished, semi-finished, or finished, which, at any stage of production, enters into the manufacture, processing, or fabrication of products to be delivered to, or for the account of

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, of the National Advisory Commission for Aeronautics;

(ii) The Government of Great Britain;

(iii) The Government of any other country whose defense the President

¹ This order will be issued from time to time to various producers of radio receiving, transmitting and directional equipment for defense orders, as directed by the Director of Priorities.

¹ Filed as part of original document,
No. 135—4

deems vital to the Defense of the United States under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States".

(iv) Any other Government agency or any Person, when the Director of Priorities deems such contract or order necessary or appropriate to promote the defense of the United States, and shall have assigned a preference rating of A-10 or higher thereto.

(2) "Producer" means the person, firm or corporation, or any division or plant thereof, engaged in the production of Radio Receiving, Transmitting and Directional Equipment for Defense Orders, and to whom a copy of this Order is specifically addressed, and who has accepted the same in the manner in (e) below set forth.

(3) "Supplier" means any individual, firm or corporation, holding a contract or order for the delivery of material which enters into the production, directly or indirectly, at any stage of production, of the above specified Radio Receiving, Transmitting, and Directional Equipment by the Producer, and in whose favor the preference rating as herein provided has not been extended. When the preference rating herein provided has been extended in favor of a Supplier, and such Supplier has accepted the same in the manner in (e) below set forth, such Supplier then becomes what is hereinafter called a "Rated Subcontractor".

(c) The Producer, and each Rated Subcontractor, shall, so long as this Order is in effect as to him:

(1) Maintain accurate records of all extensions of such preference ratings hereunder pursuant to this Order, stating the name and address of each Rated Subcontractor to whom such preference rating has been extended; and the kinds, values and quantities of material covered by each such extension, and dates of delivery thereof; and maintain records, according to sound accounting practices, of inventories and stocks on hand, and contracts and orders on his books, and of schedules of deliveries, required pursuant to such contracts or orders. Such records shall be preserved for at least 1 year after the revocation or expiration of this Order or modifications or amendments thereto.

(2) Furnish information respecting the matters covered by (c) (1), and respecting any other pertinent matters to the Priorities Division, Office of Production Management, from time to time, as required by said Division. Until further ordered, such information shall be so furnished on the 15th day of each month for the preceding month as required by Form PD-58,¹ annexed hereto; or on any other form of report which may be approved by the Priorities Division, which shall be sent to the Priorities Division,

Office of Production Management, Washington, D. C.; which report must be certified by an authorized officer or individual of the Producer or Rated Subcontractor furnishing the same, and further certified by a Contracting or Procurement Officer, or Inspector of the Army or Navy as provided in said report; or, in the alternative, a Producer or Rated Subcontractor shall send to the Priorities Division, Office of Production Management, on the 15th day of each month, copies of all purchase orders to which said preference rating has been applied in the preceding month: *Provided, however*, That such purchase orders contain the following information: Vendor's name, description, unit quantities and dollar value of the material ordered, together with the delivery or delivery schedule thereof. Such purchase orders shall be accompanied by the certification of an authorized officer or individual of the Producer or Rated Subcontractor furnishing the same, and a certificate by a Contracting or Procurement Officer or Inspector of the Army or Navy in the form set forth in Form PD-58A,¹ annexed hereto.

(3) Submit, from time to time, to an audit and inspection by representatives of the Division of Priorities respecting matters covered by (c) (1) and (2).

(d) The Director of Priorities will take action to revoke the Order as to any Producer or Rated Subcontractor who fails to file the report as required in (c) (2) above.

(e) In order to apply said preference rating to the delivery by Suppliers of any material which enters into the production, directly or indirectly, at any stage of production, of the aforesaid Radio Receiving, Transmitting, and Directional Equipment by the Producer, the Producer or Rated Subcontractor shall take the following steps:

(1) Execute a copy of this Order as provided at the end hereof and transmit such copy to the Director of Priorities, and

(2) Execute an additional copy for each Supplier to whose deliveries of such material said preference rating is to apply, which copy *must, in all cases*, be countersigned by a Contracting or Procurement Officer, or Inspector of the Army or Navy in the manner provided at the end of this Order; and furnish such additional copy, so executed and countersigned, to each such Supplier. One such copy furnished to a Supplier shall be deemed to cover all deliveries of such material by such Supplier to the Producer or Rated Subcontractor by whom it is furnished to him, whether such deliveries are pursuant to one or more Defense Orders, for one or more types of material, or by one or more orders placed at one time or from time to time, but this provision shall not relieve the Producer or Rated Subcontractor

from furnishing the regular report provided in (c) (2) above.

(f) This Order, or any extensions thereof, may be revoked, modified or amended by the Director of Priorities at any time as to the Producer or as to any or all Rated Subcontractors. In the event of any such revocation, or upon expiration of this Order by its terms, any deliveries of material already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of such preference rating shall be made to any other deliveries by the Producer and/or Rated Subcontractor affected by said revocation or expiration. Further, in the event of revocation of this Order, the producer and/or each Rated Subcontractor affected thereby, shall each return to the Priorities Division the copy of this Order whereby the preference rating was assigned or extended in his favor within 3 days of such revocation; and the Director of Priorities may notify all affected Rated Subcontractors and other Suppliers of such revocation. Nothing in this paragraph shall affect any specific *Preference Rating Certificates* issued to the Producer or any Rated Subcontractor independently of this Order.

(g) This Order and the assignment of the preference rating herein provided shall take effect on the 11th day of July, 1941, and, unless sooner revoked, shall expire on the 31st day of December, 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress.)

Issued this 11th day of June 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

FOR EXECUTION BY THE PRODUCER OR RATED SUBCONTRACTOR

The undersigned acknowledges receipt of the above Order; accepts the same; agrees to all its terms, conditions and requirements; and promises to perform the requirements of, and to submit to the audits and investigations as provided in section (c) of said Order.

Executed this _____ day of _____, 19_____.

(Name of Producer or Rated Subcontractor)

By _____

(Authorized officer or individual)

CERTIFICATION BY ARMY OR NAVY CONTRACTING OR PROCUREMENT OFFICER OR INSPECTOR

I hereby certify that the Producer, or Rated Subcontractor, identified below has executed a copy of the above Order and has transmitted the same to the Director of Priorities, Office of Production Management, Washington, D. C.

Dated this _____ day of _____, 19_____.

(Name of Producer or Rated Subcontractor)

(Signature of officer or inspector)

[F. R. Doc. 41-4944; Filed, July 11, 1941; 11:51 a. m.]

¹ Filed as part of the original document.

¹ Filed as part of the original document.

TITLE 35—PANAMA CANAL

CHAPTER I—CANAL ZONE REGULATIONS

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

JULY 5, 1941.

The President, The White House.

DEAR MR. PRESIDENT: I submit herewith for your approval the following regulation amending the regulations governing the inspection and control of vessels in Canal Zone waters:

INSPECTION AND CONTROL OF VESSELS IN CANAL ZONE WATERS

By virtue of and pursuant to authority vested in me by section 1, Title II, of the Act of June 15, 1917 (50 U.S.C. sec. 191), and by a Proclamation of the President of the United States, No. 2412, dated June 27, 1940,¹ the regulations promulgated by this office on July 1, 1940, and approved by the President on July 9, 1940 (5 F.R. 3393), relative to inspection and control of vessels in Canal Zone waters are hereby amended by adding at the end thereof an additional paragraph numbered 8 and reading as follows:

8. The areas of water hereinafter described are declared to be restricted, and no vessel of any size or description whatsoever, with the exception of vessels operated by agencies of the United States Government, shall enter either of such areas without obtaining instructions as hereinafter provided, nor proceed into, within, or through either of such areas otherwise than in conformity with such instructions. In the case of vessels approaching either of such areas from seaward the instructions hereinbefore referred to shall be obtained from the United States Naval vessel stationed near the seaward limits of the area. In the case of outgoing vessels such instructions shall be obtained from the United States Naval vessel, if any, stationed near the inward limits of the area, or, if no such vessel is so stationed, then from the port captain of the port involved or his authorized representative. Violations of this regulation are covered by section 2, Title II, of Act June 15, 1917 (50 U.S.C. sec. 192).

Restricted Areas

Pacific entrance. Within five thousand yards of Flamenco Island and between a line running due East of Flamenco Island and a line from Naos Island Dock to Changame Island extended to a point five thousand yards from Flamenco Island.

Atlantic entrance. Outside the breakwater and within two thousand five hundred yards of the breakwater entrance.

R. A. WHEELER,
Acting Governor.

This regulation, the purpose of which is evident from its text, was issued June

¹ 5 F.R. 2419.

17, 1941, at the instance and request of the Commanding General, Panama Canal Department.

Very sincerely yours,

HENRY L. STIMSON,
Secretary of War.

Approved: July 8, 1941.

FRANKLIN D. ROOSEVELT

[F. R. Doc. 41-4937; Filed, July 11, 1941; 10:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1490]

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

CERTIFICATIONS IN CONNECTION WITH PROOFS AND PAYMENTS ON ENTRIES IN RECLAMATION PROJECTS OPERATED BY IRRIGATION DISTRICTS OR WATER USERS' ASSOCIATIONS

JUNE 30, 1941.

Circular No. 1222 dated June 12, 1930 (53 I.D. 128) and § 230.59, Title 43, of the Code of Federal Regulations based thereon, are hereby amended to read as follows:

§ 230.59 *Certifications by superintendents or other officers of irrigation districts and water users' associations.* On a reclamation project (other than the Salt River Valley Project¹) or part thereof operated and maintained by an irrigation district or water users' association, the certifications as to the cultivation of, reclamation of, and payments from lands within the boundaries of the irrigation district or within the general territory of the water users' association may be made by the superintendent or other appropriate officer of the district or association, under the seal of the district or association, and when so made will be accepted and given the same force and effect as certifications made by a Government project superintendent; *Provided, however,* That when the certificate relates to payments made by the entryman, and the district or association is delinquent in the payment of charges due from the district or association to the United States, the certificate shall show that the Government charges paid by the entryman to the district or association were paid over to the Government by or on behalf of the district or asso-

¹ By Departmental telegram, dated Nov. 26, 1917, the Register at Phoenix, Arizona, was instructed to return to the Salt River Valley Water Users' Association for report, recommendation, and forwarding by association to Commissioner, Bureau of Reclamation, all assignments, reclamation homestead entries and certificates of final proof under the reclamation law offered to or filed in his office and that applications to make homestead entries in the Salt River Reclamation project should be noted on his records and forwarded to Commissioner, Bureau of Reclamation for consideration and recommendation.

ciation. (Sec. 10, 32 Stat. 390; sec. 15, 38 Stat. 690; 43 U.S.C. 373)

[SEAL]

FRED W. JOHNSON,
Commissioner.

Approved: June 30, 1941.

W. C. MENDENHALL,
Acting Assistant Secretary.

[F. R. Doc. 41-4930; Filed, July 11, 1941; 10:05 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 10—RULES GOVERNING EMERGENCY RADIO SERVICES

CORRECTION

Attention is directed to the following error in § 10.47 *Forestry stations*, printed in the Friday, June 27, 1941, issue of the Federal Register on page 3118:

The frequency 2,442 kc. in paragraph (b) should read 2,244 kc.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-4946; Filed, July 11, 1941; 11:54 a. m.]

[Order No. 83]

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

At a meeting of the Federal Communications Commission held in its offices at Washington, D. C., on the 9th day of July, 1941:

Pursuant to Act of Congress approved July 8th, 1941 (Public, No. 155, 77th Congress, 1st session) amending section 353 (b) of the Communications Act of 1934, as amended; and

Whereas the Commission finds that a serious shortage exists of radiotelegraph operators possessing six months' previous service in the aggregate as qualified operators in stations on board ships of the United States available for service on board cargo vessels of the United States, subject to the provisions of Part II, Title III of the Communications Act; and

Whereas modification of said requirement of six months' previous service is accordingly necessary to meet existing conditions and as a precautionary measure in providing for the probability of a further shortage of such operators;

It is ordered, That for a period of six months beginning July 9, 1941, the aforesaid requirement of six months' previous service contained in section 353 (b) of the Communications Act of 1934, as amended, and the corresponding provisions of § 13.61 (c) (3) and (d) (2), of the Commission's Rules and Regulations be, and the same are hereby suspended.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-4942; Filed, July 11, 1941; 11:46 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 190—ALASKA FRESH-WATER FISHERIES¹

- Sec.
- 190.1 Definition, Alaska game fish.
- 190.2 Use of explosives in taking fish is prohibited.
- 190.3 Waters in which the taking of game fish is prohibited, except with artificial lures.
- 190.4 Open season for fishing in Russian River, Buskin River, and tributary waters.
- 190.5 Open season for fishing in Dewey Lakes and Salmon Creek Reservoir.
- 190.6 Limitations on daily catch and possession of game fish, Buskin River.
- 190.7 Limitations on daily catch and possession of game fish, Russian River and other streams and lakes of Kenai Peninsula.
- 190.8 General limitations on daily catch and possession of game fish; exceptions.
- 190.9 Commercial fishing for fresh-water game fish prohibited.
- 190.10 Waters in which commercial fishing for Dolly Varden trout is prohibited.
- 190.11 Wanton waste of food or game fish prohibited.
- 190.12 Penalties for violation of fresh-water fisheries regulations.

§ 190.1 *Definition, Alaska game fish.* Game fish in Alaska are deemed to include the following species:

- (a) Rainbow trout (*Salmo iridius*).
- (b) Steelhead trout (*Salmo gairdneri*).
- (c) Cutthroat trout (*Salmo clarkii*).
- (d) Eastern brook trout (*Salvelinus fontinalis*).
- (e) Grayling (*Thymallus signifer*).*

*§§ 190.1 to 190.11, inclusive, are issued under the authority contained in Sec. 1, 44 Stat. 752; 48 U.S.C. 221. Whenever there is special authority for a specific section reference thereto is made in parenthesis at the end of the section.

§ 190.2 *Use of explosives in taking fish prohibited.* The use or placement of any explosive in the waters of Alaska for the purpose of taking fish is prohibited.*

§ 190.3 *Waters in which the taking of game fish is prohibited, except with artificial lures.* In Russian River, flowing into Kenai River, and in Buskin River, near Kodiak, and all lakes and tributaries thereof, and in Summit Lakes on the Moose Pass-Hope Highway, including the outlet stream thereof, game fish may be taken only by means of artificial lures.*

§ 190.4 *Open season for fishing in Russian River, Buskin River, and tributary waters.* It is prohibited to fish for, catch, or kill any game fish in Russian

River, flowing into Kenai River, and in Buskin River, near Kodiak, and all lakes and tributaries thereof, except during the period from June 5 to September 30, both dates inclusive.*

§ 190.5 *Open season for fishing in Dewey Lakes and Salmon Creek Reservoir.* It is prohibited to fish for, catch, or kill any game fish in Dewey Lakes, near Skagway, and in Salmon Creek Reservoir, near Juneau, except during the period from May 1 to September 30, both dates inclusive.*

§ 190.6 *Limitations on daily catch and possession of game fish, Buskin River.* No one shall take in any one day from Buskin River and its tributaries and lakes more than a combined total of 5 game fish of all species or more than 5 pounds and 1 game fish of all species, and no person shall have in his possession at any one time more than a combined total of 10 game fish of all species or more than 10 pounds and 1 game fish of all species.*

§ 190.7 *Limitations on daily catch and possession of game fish, Russian River and other streams and lakes of Kenai Peninsula.* No one shall take in any one day from Russian River and other streams and lakes of Kenai Peninsula more than a combined total of 10 game fish of all species or more than 10 pounds and 1 game fish of all species, and no one shall have in his possession at any one time more than a combined total of 20 game fish of all species or more than 20 pounds and 1 game fish of all species.*

§ 190.8 *General limitations on daily catch and possession of game fish; exceptions.* No one shall take in any one day from the fresh waters of Alaska, except Buskin River and its tributaries and lakes and Russian River and other streams and lakes of Kenai Peninsula, where special limitations apply, more than a combined total of 25 game fish of all species or more than 15 pounds and 1 game fish of all species, and no person shall have in his possession at any one time more than a combined total of 50 game fish of all species or more than 30 pounds and 1 game fish of all species.*

§ 190.9 *Commercial fishing for fresh-water game fish prohibited.* All commercial fishing for game fish, including fishing for feed for fur-bearing animals, is prohibited in the streams and lakes of Alaska.*

§ 190.10 *Waters in which commercial fishing for Dolly Varden trout is prohibited.* All commercial fishing for Dolly Varden trout (*Salvelinus malma*), including fishing for feed for fur-bearing animals, is prohibited in the streams and lakes of Alaska east of 150 degrees west longitude.*

§ 190.11 *Wanton waste of food or game fish prohibited.* It is unlawful for any

person wantonly to waste or destroy any food or game fish taken or caught in any of the waters of Alaska.*

§ 190.12 *Penalties for violation of fresh-water fisheries regulations.* Any person who violates any of the provisions of the regulations in this part shall, upon conviction therefor, be punished by a fine or imprisonment, or by both such fine and imprisonment, as provided for in section 6 of the act of June 6, 1924. (Sec. 6, 43 Stat. 466; 48 U.S.C. 226).

HAROLD L. ICKES,

Secretary of the Interior.

JULY 1, 1941.

[F. R. Doc. 41-4932; Filed, July 11, 1941; 10:06 a. m.]

PART 242—ALASKA WALRUSES AND SEA LIONS¹

- Sec.
- 242.1 Purposes for which walruses may be taken.
- 242.2 Purposes for which sea lions may be taken.

§ 242.1 *Purposes for which walruses may be taken.* The killing of walruses in the Territory of Alaska or in any of the waters of Alaska over which the United States has jurisdiction is prohibited from July 1, 1941, to June 30, 1943, both dates inclusive. This prohibition shall not apply to the killing of walruses by natives for food or clothing, by miners or explorers when in need of food, or to the collection of specimens for scientific purposes under permits issued by the Secretary of the Interior. (Sec. 2, 35 Stat. 102, 41 Stat. 716; 48 U.S.C. 191.)

§ 242.2 *Purposes for which sea lions may be taken.* The killing of sea lions in the Territory of Alaska, or in any of the waters of Alaska over which the United States has jurisdiction, is permitted as follows:

(a) By natives for food or clothing, and by miners or explorers when in need of food.

(b) By anyone in the necessary protection of property, or while such animals are destroying salmon or other food fish.

(c) Under permits issued by the Secretary of the Interior authorizing the taking of specimens for scientific purposes (48 Stat. 976; 16 U.S.C. 659)

HAROLD L. ICKES,

Secretary of the Interior.

JULY 1, 1941.

[F. R. Doc. 41-4931; Filed, July 11, 1941; 10:05 a. m.]

¹ The regulations in this part supersede the Alaska walrus and sea lion regulations promulgated by the Acting Secretary of Commerce on June 29, 1939 (4 F.R. 2741), and codified under Part 242, Subchapter B, Chapter II of Title 50.

¹ The regulations in this part supersede the Alaska fresh-water fisheries regulations promulgated by the Secretary of the Interior on May 28, 1940 (5 F.R. 2140), and codified under Part 202, Subchapter A, Chapter II of Title 50.

Notices

WAR DEPARTMENT.

[Contract No. W 7033 qm-5; O. I. No. 5]

SUMMARY OF FIXED-FEE CONTRACT¹ FOR

ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: LOCKWOOD & ANDREWS, AND DAVID M. DULLER, BOTH OF 905 UNION NATIONAL BANK BUILDING, HOUSTON, TEXAS

Amount fixed fee: \$53,936.

Estimated cost of construction project: \$7,235,000.

Type of construction project: Ordnance Depot, slip and loading dock, including necessary buildings, temporary structures, utilities and appurtenances thereto.

Location: San Jacinto Ordnance Depot, near Houston, Texas.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 7472 2nd Supp. 781-76th A 0540.068-N P1-3211 the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 5th day of May 1941.

Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Construction of a new Ordnance Depot, slip and dock including the necessary buildings, temporary structures, utilities and appurtenances thereto located at San Jacinto Ordnance Depot, near Houston, Texas.

Data to be furnished by the Government. The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of fifty-three thousand, nine hundred thirty-six and no/100 dollars (\$53,936.) which shall constitute complete compensation for the Architect-Engineer's services.

b. In addition to the payment of the fixed fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

¹ Approved by the Under Secretary of War May 19, 1941.

Payments to the Architect-Engineer are to be made as follows:

Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified pay rolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and 90% of the amount of the Architect-Engineer's fixed fee earned. Upon completion of the project, the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

All drawings, designs and specifications are to become the property of the Government.

Changes in scope of project. The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

Termination for cause or for convenience of the Government: Reduction in forces:

The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

When in the opinion of the Contracting Officer the Architect-Engineer's personnel and/or overhead is excessive for the proper performance of this contract, reductions thereof shall be made as required by the Contracting Officer.

This contract is authorized by the following laws:

Public No. 611—76th Congress, Approved June 13, 1940.

Public No. 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-4926; Filed, July 11, 1941;
10:04 a. m.]

[Contract No. W 7107 qm-1; O. I. No. 1]

SUMMARY OF FIXED-FEE CONSTRUCTION CONTRACT¹

CONTRACTORS: RUSS MITCHELL, INC., T. B. HUBBARD CONSTRUCTION COMPANY, INC., SEVERIN KNUTSON, AN INDIVIDUAL DOING BUSINESS AS KNUTSON CONSTRUCTION COMPANY AND JOSEPH F. MEYER, JR., AN INDIVIDUAL, ALL AT 1507 DELANO STREET, HOUSTON, TEXAS, JOINTLY AND SEVERALLY

Contract for: Construction of the San Jacinto Ordnance Depot.

Location: Houston, Texas.

Fixed fee: \$210,015.

Estimated construction cost exclusive of fixed fee: \$7,302,581.

The supplies and services to be obtained by this instrument are authorized by, are

¹ Approved by the Under Secretary of War June 25, 1941.

for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM 18059 PL 29 77 A0540-12.

This contract, entered into this 13th day of June 1941.

Statement of work. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of an Ordnance Depot at or near Houston, Texas, including necessary buildings, temporary structures, utilities and appurtenances thereto.

It is estimated that the construction cost of the work covered by this contract will be seven million three hundred two thousand five hundred eighty-one dollars (\$7,302,581) exclusive of the constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of two hundred ten thousand and fifteen dollars (\$210,015) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

Payments—Reimbursement for cost. The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in

Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This contract is authorized by the following law: Public, 703—76th Congress (Approved July 2, 1940).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-4927; Filed, July 11, 1941;
10:04 a. m.]

[Contract No. W 6101 qm-299; O. I. No. 108]
SUMMARY OF FIXED-FEE CONTRACT¹ FOR
ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: FRANK A. BARBOUR,
TREMONT BUILDING, BOSTON, MASSACHU-
SETTS

Amount fixed fee: \$17,125.

Estimated construction cost (Art. V-2): \$1,164,689.

Type of construction project: Motor Repair Shops.

Location: Fort Devens, Mass.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 18047 PL 29-77th Congress A 0540-12 the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 21st day of June 1941.

Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of a Motor Repair Shop, including necessary buildings, temporary structures, utilities and appurtenances thereto, (hereinafter referred to as "the project"), located at Fort Devens, Mass.

Data to be furnished by the Government. The Government will furnish the Architect-Engineer essential schedules of preliminary data, layout sketches, and other essential information respecting sites, topography, soil conditions, outside utilities and equipment as may be available for the preparation of preliminary sketches and the development

of final drawings and specifications, and applicable Government standards, designs, drawings and specifications.

Estimated cost of construction. The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately one million one hundred sixty-four thousand six hundred eighty-nine dollars (\$1,164,689) exclusive of Architect-Engineer's fixed fee.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of seventeen thousand one hundred twenty-five dollars (\$17,125) which shall constitute complete compensation for the Architect-Engineer's services.

b. In addition to the payment of the fixed fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

Method of payment. Payments of reimbursable cost items and of 90% of the amount of the Architect-Engineer's fee earned shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, supported by original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, rentals, and all other supporting data. Upon completion of the project and its final acceptance the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

Drawings and other data to become property of Government. All drawings, designs and specifications are to become the property of the Government.

Changes in scope of project. The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

Termination for cause or for convenience of the Government. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public 611—76th Congress Approved June 13, 1940.

Public 703—76th Congress Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-4928; Filed, July 11, 1941;
10:04 a. m.]

[Contract No. W 6101 qm-300; O. I. No. 109]

SUMMARY OF FIXED FEE CONSTRUCTION
CONTRACT¹

CONTRACTOR: MATTHEW CUMMINGS COMPANY, INC., 38 CHAUNCEY STREET, BOSTON, MASS.

Contract for: Construction of Fourth Echelon Base Motor Repair Shops.

Location: Fort Devens, Mass.

Fixed fee: \$33,600.00.

Estimated construction cost exclusive of fixed fee: \$1,131,089.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM 18046 PL-29-77th Congress A-0540-12.

This contract, entered into this 21st day of June 1941.

Statement of work. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of a Motor Repair Shop including necessary buildings, temporary structures, utilities and appurtenances thereto at Fort Devens, Mass.

It is estimated that the construction cost of the work covered by this contract will be one million one hundred thirty-one thousand eighty-nine dollars (\$1,131,089) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of thirty-three thousand six hundred dollars (\$33,600) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

Payments—Reimbursement for cost. The Government will currently reimburse the Constructor for expenditures made

¹ Approved by the Under Secretary of War June 24, 1941.

¹ Approved by the Under Secretary of War June 24, 1941.

in accordance with Article II upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This contract is authorized by the following law: Public 703—76th Congress Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-4929; Filed, July 11, 1941;
10:05 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1562-FD]

IN THE MATTER OF MIDVALE COAL COMPANY,
REGISTERED DISTRIBUTOR, REGISTRATION
No. 6435, DEFENDANT

ORDER OF SUSPENSION OF REGISTRATION

A Notice of and Order for Hearing having been made by the Director on February 20, 1941, pursuant to the provisions of § 304.14 of the Rules and Regulations for the Registration of Distributors, promulgated by the Division, pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 (the "Act"), to determine whether the defendant has violated the Act, the Bituminous Coal Code (the "Code") or regulations thereunder in any manner in the sale of coal to Armour & Company and the Missouri Pacific Railroad Company produced by the Wallace Coal Company ("Wallace"), Code Member in District No. 10, and whether the registration of said defendant as a distributor should be revoked or suspended

by reason of said violations, and having been duly served on the defendant on February 26, 1941.

The defendant by stipulation dated July 2, 1941, a copy of which is annexed hereto, (a) having admitted the truth of the allegations of said Notice of and Order for Hearing and the facts set out in said stipulation; (b) having consented to the making and entry of this order of suspension; (c) having agreed that promptly upon the entry of this order it will refund to Wallace the sum of six thousand dollars (\$6,000.00) constituting part of the sales agency commissions received by defendant on sales of coal made by it as exclusive sales agent for said Code Member, said sum of six thousand dollars (\$6,000.00) to be applied by said Code Member, in the payment of twelve thousand dollars and fourteen cents (\$12,000.14) to the United States Government stipulated by Wallace in Dockets Nos. 1597-FD and 1678-FD, as consolidated, to be the amount of the tax required by section 5 (b) and (c) of the Act to be paid by Wallace as a condition to reinstatement of its membership in the Code; (d) defendant having further agreed that during said period of suspension it will not act as registered distributor and that it will not accept or receive as a registered distributor, either directly or indirectly, any discounts on coal purchased by it from code members during said period of suspension which would reduce the price thereof below the effective minimum price therefor, and that it will not receive or accept any commissions as sales agent on coal sold during said period of suspension under any sales agency contract entered into by it subsequent to June 1, 1941 unless such contract shall have been approved by the Director under and for the purposes of this order; and (e) defendant having agreed that during the period of said suspension it will observe and faithfully abide by all the provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, the Distributor's Agreement hereinafter referred to, and all applicable orders of the Division;

1. It is hereby found, That:

(a) defendant is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri with its principal offices located at St. Louis, Missouri, and is engaged under the power granted to it by its corporate charter in the business of selling and distributing coal;

(b) on April 17, 1940, pursuant to the Order of the National Bituminous Coal Commission (the "Commission") dated March 24, 1939, entered in General Docket No. 12 and adopted as an order of the Division on July 1, 1939, defendant filed with the Division its application dated April 15, 1940, for registration as a registered distributor which was accompanied by its agreement exe-

cuted April 15, 1940 ("Distributor's Agreement") as a condition to the granting of said application; said application was approved by the Division on April 19, 1940, and certificate 6435 was issued to the defendant authorizing it to act as a registered distributor, and the defendant has been ever since said last-mentioned date, and is now, acting as a registered distributor;

(c) pursuant to a contract dated April 1, 1933, Wallace, a Code Member, which operates the Wallace Mine, Mine Index No. 182, located in District No. 10, appointed defendant as its sole and exclusive sales agent for a period of two years beginning April 1, 1933, and terminating April 1, 1935; on February 6, 1935, this sales agency agreement was renewed for a further two-year term, terminating April 1, 1937, and on December 1, 1936, was further renewed for a period of five years, expiring April 1, 1942; and this contract and its subsequent renewals were filed with the Division on December 29, 1937;

(d) all the coal involved in this proceeding was sold by defendant as exclusive sales agent for Wallace, pursuant to the said sales agency agreement;

(e) the sales of said coal to Armour & Company were made pursuant to the following contracts:

(1) contract entered into on June 5, 1933 between defendant, as buyer, and Carbon Coal Company and Wallace, as seller, to continue for a period beginning July 1, 1933 and ending March 31, 1935, and the extension thereof for one year to March 31, 1936 pursuant to a rider attached thereto; and

(2) contract entered into on June 5, 1933, between the defendant and Armour & Company to continue for a period ending March 31, 1935;

and

(f) the said contracts referred to in 1 (e) hereof were subsequently extended by the parties thereto but such extensions constituted the making of new contracts subsequent to June 16, 1933, and consequently, said contracts thus extended are not lawful and bona fide written contracts entered into prior to June 16, 1933, within the purview of the proviso of the first paragraph of Section 4 II (e) of the Act and Part II (e) of the Code and are not entitled to exemption thereunder.

2. It is hereby further found, That the defendant, Midvale Coal Company, has wilfully violated the provisions of section 4 II (h) of the Act and paragraph (b) of the Distributor's Agreement in the following manner and to the following extent:

(a) the defendant sold and delivered during the months of October and November 1940 to the Missouri Pacific Railroad Company approximately 2500 tons of lump, egg and nut size coal produced by Wallace at its Wallace Mine, Mine Index No. 182, for use as railroad loco-

motive fuel, at the price of \$1.70 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was \$2.15 per net ton f. o. b. the mine; and

(b) the defendant sold and delivered to Armour & Company during the period October 1, 1940 to March 8, 1941, inclusive, approximately 4753 tons of 2" screenings produced at said Wallace Mine at \$1.10 per net ton f. o. b. the mine, for delivery to Huron, South Dakota, and approximately 13,381 tons of 2" screenings produced at said Wallace Mine for delivery at Chicago, Illinois, at the price of \$1.10 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was \$1.40 per net ton f. o. b. the mine.

Now, therefore, based upon the above findings; upon the defendant's stipulation and agreement that promptly upon the entry of this order it will refund to Wallace the sum of six thousand dollars (\$6,000.00) as and for the purpose hereinbefore more fully set forth; upon defendant's agreement that during the period of suspension of its registration it will not act as registered distributor or accept or receive as a registered distributor, either directly or indirectly, any discounts on coal purchased by the defendant during said period of suspension, which would reduce the price thereof below the effective minimum price therefor; and upon the defendant's agreement that it will not receive or accept any commissions as sales agents on coal sold during said period of suspension under any sales agency contract entered into subsequent to June 1, 1941 unless such contract shall have been approved by the Director under and for the purposes of this order;

It is ordered, That the registration of the defendant, Midvale Coal Company, as a distributor, is hereby suspended from the date of service hereof upon the defendant to and including September 30, 1941, and that the defendant, its officers, representatives, agents, servants, employees, and attorneys, and all affiliates of the defendant, shall be and they are hereby prohibited from acting as registered distributor during said period of suspension and from receiving or accepting any discounts from the effective minimum prices, either directly or indirectly, on coal purchased by it, them or any of them during said period of suspension: *Provided, however*, That if the defendant shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five days prior to the expiration of said suspension period, said suspension shall continue in full force and effect until five days after the affidavit required by said § 304.15 shall have been filed with the Division.

It is further ordered, That the defendant during such period of suspension shall continue fully to observe, abide by, and remain in all respects subject to all

pertinent and applicable provisions of the Act, the Code, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, and all applicable orders of the Division.

It is further ordered, That in the event that the defendant shall hereafter violate any of its agreements set forth in said stipulation, this matter may be reopened and such action taken and orders entered herein as to the Director may seem just and proper under the circumstances; and jurisdiction of this matter is hereby expressly reserved for such purposes.

Dated: July 10, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-4933; Filed, July 11, 1941;
10:14 a. m.]

[Docket No. 1712-FD]

IN THE MATTER OF WALLACE COAL COMPANY, CODE MEMBER, DEFENDANT, DISTRICT NO. 10

CEASE AND DESIST ORDER

A complaint dated July 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been filed by the Bituminous Coal Producers Board for District No. 10, as complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by the defendant of the Bituminous Coal Code (the "Code"), and the effective minimum prices:

(a) by selling, offering to sell and delivering subsequent to November 30, 1940, substantial quantities of coal produced at the Wallace Mine (Mine Index No. 182), operated by said Wallace Coal Company in District No. 10, to the Missouri Pacific Railroad Company at prices which were less than the effective minimum prices applicable thereto; and

(b) by selling, offering to sell and delivering subsequent to March 3, 1941, substantial quantities of coal produced at the Wallace Mine (Mine Index No. 182), operated by said Wallace Coal Company in District No. 10, to Armour & Company, Chicago, Illinois, at prices which were less than the effective minimum prices applicable thereto.

The defendant, by stipulation made July 5, 1941, a true copy of which is annexed hereto and made a part hereof, having admitted the truth of the allegations of said complaint and consented to the making and entry of this order.

The defendant, having by such stipulation, further stipulated, admitted, and agreed (1) that the defendant is a corporation duly organized under and by virtue of the Laws of the State of Illinois, with its principal office located at Marion, Illinois, and is engaged under the powers granted to it by its corporate charter in the business of producing and

selling bituminous coal; (2) that on July 12, 1937, the defendant filed with the National Bituminous Coal Commission (the "Commission") its acceptance dated July 7, 1937, of the Code and that said acceptance was approved by the Commission as of July 12, 1937, and that the defendant has been since said last mentioned date and is now a code member operating the Wallace Mine (Mine Index No. 182), located in Williamson County, Illinois, in District No. 10; (3) that it wilfully violated the provisions of the Act, and the Code, and the effective minimum prices established thereunder as alleged in the complaint herein; and (4) having admitted the truth of the allegations of said complaint and statements of fact and conclusions of law set out in said stipulation.

The defendant having by said stipulation further stipulated and agreed that neither such stipulation nor this order shall constitute a waiver by or on behalf of any person entitled to file a complaint under sections 4 II (j) and 5 of the Act, or either of them, of any right, penalty or forfeiture which they may respectively have against the defendant by reason of any violation other than that alleged in the complaint herein, or a waiver by or on behalf of any code member of any right which he may have against the defendant pursuant to section 5 (a) of the Act in respect to the violations alleged in the complaint herein.

1. It is hereby found, That:

(a) the defendant is a corporation duly organized under and by virtue of the Laws of the State of Illinois, with its principal office located at Marion, Illinois, and is engaged under the powers granted to it by its corporate charter in the business of producing and selling bituminous coal; and

(b) on July 12, 1937, the defendant filed with the Commission its acceptance dated July 7, 1937, of the Code and that said acceptance was approved by the Commission as of July 12, 1937, and that the defendant has been since said last mentioned date and is now a code member operating the Wallace Mine (Mine Index No. 182), located in Williamson County, Illinois, in District No. 10.

2. *It is hereby further found*, That the defendant has wilfully violated the provisions of the Act, the Code, and the effective minimum prices established thereunder:

(a) by selling, offering to sell, and delivering subsequent to November 30, 1940, substantial quantities of coal produced by it at its Wallace Mine (Mine Index No. 182), in District No. 10, to the Missouri Pacific Railroad Company at prices which were less than the effective minimum prices applicable thereto:

(b) by selling, offering to sell, and delivering subsequent to March 3, 1941, substantial quantities of coal produced by it at its Wallace Mine (Mine Index No. 182), in District No. 10, to Armour & Company, Chicago, Illinois, at prices

which were less than the effective minimum prices applicable thereto.

Now, therefore, based upon the above findings and upon the defendant's stipulation and agreements therein contained:

It is ordered, That the defendant, its partners, officers, representatives, agents, servants, employees, attorneys, and affiliates, and all persons acting or claiming to act in its behalf or interest, cease and desist and they and each of them hereby are permanently enjoined and restrained from violating the Code, the effective minimum prices and the Marketing Rules and Regulations.

It is further ordered, That this order shall continue in full force and effect in respect to the defendant, its partners, officers, representatives, agents, servants, employees, attorneys and affiliates, and all persons acting or claiming to act in its behalf or interest, upon any restoration of the defendant's code membership pursuant to section 5 (c) of the Act, whether revocation of the defendant's code membership so restored occurs before or after the date of the entry of this order.

It is further ordered, That the Division in its discretion may apply to the Circuit Court of Appeals of the United States within any circuit where such defendant resides and carries on business for the enforcement thereof.

Dated: July 10, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-4934; Filed, July 11, 1941;
10:14 a. m.]

[Docket Nos. 1597-FD, 1678-FD]

IN THE MATTERS OF WALLACE COAL COMPANY, CODE MEMBER, DEFENDANT, DISTRICT No. 10

ORDER TERMINATING CODE MEMBERSHIP AND PROVIDING FOR PAYMENT OF TAX FOR RE-INSTATEMENT

Complaints dated January 31, 1941 and April 24, 1941, respectively, having been filed in Dockets Nos. 1597-FD and 1678-FD, respectively, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") by Bituminous Coal Producers Board for District No. 10, alleging that the defendant wilfully violated the Bituminous Coal Code (the "Code"), and Rules and Regulations thereunder as follows:

(a) *Docket No. 1597-FD*. By selling and delivering to Missouri Pacific Railroad Company during October and November, 1940, for use as railroad locomotive fuel, 51 railroad carload lots of lump, egg and nut coal of Size Groups 1, 3, 5 and 7 at \$1.70 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was \$2.15 per net ton f. o. b. the mine;

No. 135—5

(b) *Docket No. 1678-FD*. By selling and delivering, during the period from September 30, 1940, to and including March 3, 1941, to Armour & Company approximately 4,758 tons of 2" screenings for delivery at Huron, South Dakota, at the price of \$1.10 per net ton f. o. b. the mine and also approximately 37,952 tons of 2" screenings, 2" x 3" nut and 1 1/4" screenings for delivery at Chicago at the price of \$1.10 per net ton f. o. b. the mine, said price being below the effective minimum price established for such coal; and

The complaint in Docket No. 1597-FD having been duly served on defendant on March 11, 1941, and the complaint in Docket No. 1678-FD having been duly served on defendant on May 31, 1941; and

The defendant, by stipulation dated July 5, 1941, a true copy of which is annexed thereto, having agreed that the above-entitled matters be consolidated, considered and disposed of together herein; and

The defendant, by said stipulation (a) having admitted the truth of the allegations of each of the aforesaid complaints and the facts set out in said stipulation in respect to part of the shipments of coal described in said complaints, and (b) having consented to the making and entry of this order; and (c) having agreed that it will immediately upon the entry of this order pay to the United States Government the amount of the tax, namely, \$12,000.14, stipulated to be the amount required to be paid by the defendant as a condition to reinstatement of its membership in the Code.

Now therefore, Pursuant to the authority vested in the Director by section 4 II (j) of the Act authorizing him to adjust complaints of violation and to compose the differences of the parties thereto;

1. *It is hereby found*, That:

(a) defendant is a corporation duly organized under and by virtue of the laws of the State of Illinois, with its principal office located at Marion, Illinois, and is engaged under the powers granted to it by its corporate charter in the business of mining and producing bituminous coal;

(b) On July 12, 1937, defendant filed with the National Bituminous Coal Commission (the "Commission") its acceptance, dated July 7, 1937, of the Code, and that said acceptance was approved by the Commission as of July 12, 1937, and defendant has been, since said last mentioned date and is now, a code member, operating the Wallace Mine, Mine Index No. 182, located in District No. 10 in Williamson County, Illinois;

(c) Midvale Coal Company ("Midvale") is a corporation, organized and existing under and by virtue of the laws of the State of Missouri with its principal office located at St. Louis, Missouri, and is engaged under the powers granted

to it by its corporate charter in the business of selling and distributing coal;

(d) On April 17, 1940, pursuant to an order of the Commission, dated March 24, 1939, entered in General Docket No. 12 and adopted as an order of the Bituminous Coal Division (the "Division"), Midvale filed with the Division its application dated April 15, 1940, for registration as a registered distributor, which was accompanied by its agreement executed April 15, 1940, as a condition to the granting of said application; said application was approved by the Division on April 19, 1940 and Certificate No. 6435 was issued to Midvale, authorizing it to act as a Registered Distributor; and that Midvale has been, ever since said last mentioned date, and is now, acting as a Registered Distributor;

(e) pursuant to a contract dated April 1, 1933, the defendant appointed Midvale as its sole and exclusive sales agent for a period of two years beginning April 1, 1933, and terminating April 1, 1935; on February 6, 1935, said sales agency agreement was renewed for a further two-year term, beginning April 1, 1935, and on December 1, 1936, was further renewed for a period of five years, expiring April 1, 1942, and said contract and its subsequent renewals were filed with the Division on December 29, 1937;

(f) all the coal involved herein was sold by Midvale, as exclusive sales agent for defendant, pursuant to said sales agency agreement;

(g) the coal alleged in the complaints herein to have been sold to Armour & Company was sold by Midvale as exclusive sales agent for the defendant, pursuant to the following contracts of purchase:

(1) Contract entered into on June 5, 1933, between Midvale as "Buyer" and Carbon Coal Company and defendant as "Seller", to continue for a period beginning July 1, 1933, and ending March 31, 1935, and the extension thereof for one year to March 31, 1936, pursuant to a rider attached thereto; and

(2) Contract entered into on June 5, 1933, between Midvale and Armour & Company, to continue for a period ending March 31, 1935; and

(h) said contracts referred to in 1 (g) hereof were subsequently extended by the parties thereto; such extensions constituted the making of new contracts subsequent to June 16, 1933; consequently said contracts thus extended are not lawful and bona fide written contracts entered into prior to June 16, 1933, within the purview of the proviso of the first paragraph of section 4 II (e) of the Act and Part II (e) of the Code and are therefore not entitled to exemption thereunder.

2. *It is hereby further found*, That the defendant has wilfully violated the provisions of the Act, the Code, and the effective minimum prices established

thereunder in the following manner and to the following extent:

(a) defendant sold and delivered during the months of October and November 1940, to the Missouri Pacific Railroad Company approximately 2,500 tons of lump, egg, and nut size coal produced at its Wallace Mine, Mine Index No. 182, for use as railroad locomotive fuel at the price of \$1.70 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was \$2.15 per net ton f. o. b. the mine (Docket No. 1597-FD); and

(b) defendant sold and delivered to Armour & Company during the period from October 1, 1940 to March 8, 1941, both dates inclusive, approximately 4,758 tons of 2" screenings produced at its said Wallace Mine, Mine Index No. 182, for delivery at Huron, South Dakota, at \$1.10 per net ton f. o. b. the mine and approximately 13,381 tons of 2" screenings produced at its said Wallace Mine, for delivery at Chicago, Illinois, at the price of \$1.10 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was \$1.40 per net ton f. o. b. the mine (Docket No. 1678-FD).

3. It is hereby further found, That the amount of the tax imposed by section 5 (b) and (c) of the Act required to be paid by the defendant as a condition to reinstatement of its membership in the Code is \$12,000.14 which amount is 39% of the effective minimum price of \$30,769.60 for said coal.

Now therefore, based upon the above findings, and upon the defendant's stipulation and agreement that it will immediately upon the entry of this order pay to the United States Government the amount of the tax, namely \$12,000.14, found to be the amount required to be paid by the defendant pursuant to section 5 (c) of the Act, as a condition to reinstatement of its membership in the Code,

It is ordered, That the above-entitled matters, Dockets Nos. 1597-FD and 1678-FD, be and the same are hereby consolidated.

It is further ordered, That the membership of the above-named defendant in the Code be and the same is hereby cancelled and revoked.

It is further ordered, That said cancellation and revocation of the code membership of the defendant shall become effective ten (10) days after service of this order upon the defendant.

Dated: July 10, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-4935; Filed, July 11, 1941;
10:14 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	Date application filed
Acme Feed & Fuel Co., Montgomery, Ala.	June 9, 1941
Elia A. Alexoff, Service Coal & Ice Co., 101 S. Myrtle St., Davenport Iowa.	May 12, 1941
American Coke & Fuel Co., 1100 Union Trust Bldg., Pittsburgh, Pa.	June 20, 1941
J. R. Barnes, 610 East Tenth St., Chattanooga, Tenn.	May 28, 1941
Ray Bayer, Chas. Bayer & Son, Perrysburg, Ohio.	May 19, 1941
Edward F. Bennis & Sons Inc., 825 E. Washington Lane, Germantown, Philadelphia, Pa.	May 27, 1941
The Birnbaum Coal Co., Inc., 10420 Quincy Ave., Cleveland, Ohio.	June 6, 1941
Isaac Bloom, Bloom Coal Co., 945 Broadway, Gary, Ind.	May 19, 1941
G. C. Blose, Punxsutawney, Pa.	May 21, 1941
Codere Limitee, 18 Wellington St., No., Sherbrooke, Quebec, Canada.	June 26, 1941
Columbia Quarry Co., Coal Division, 1612 Syndicate Trust Bldg., St. Louis, Mo.	June 11, 1941
Confederation Coal & Coke, Ltd., 3510 Russell St., Windsor, Ontario, Canada.	May 24, 1941
Critchett Coal Company, Elevator Ave., Painesville, Ohio.	June 19, 1941
L. S. DeLauter, 319 Mistletoe Ave., Youngston, O.	March 11, 1941
George C. Eastwood, Eddy Building, Saginaw, Mich.	May 28, 1941
Elliott Coal Company, 409 Times Building, Chattanooga Tenn.	May 12, 1941
Amon B. Farris, Gray, Knox County, Ky.	June 28, 1941
Felk Fuel Co., E. G. Felk, Prop., Mendota, Ill.	June 14, 1941
Wm. W. Franklin Coal Co., Wm. W. Franklin, Owner, 7306 N. Hamilton Ave., Chicago, Ill.	May 14, 1941
L. H. Funk, Funk Coal Co., Mansfield, Ohio.	May 29, 1941
Garland Coal Company, 911 Hamilton National Bank Building, Knoxville, Tenn.	June 11, 1941
C. L. Green, Buckhannon, W. Va.	June 11, 1941
Hays Coal Mining Co., by Charles E. Hemminger, Owner, 138 E. Patriot St., Somerset, Pa.	May 23, 1941
John Heney & Son, Limited, 40 Elgin St., Ottawa, Ontario, Canada.	June 2, 1941
Jackson, Long & Paige, Inc., 134 N. LaSalle St., Chicago, Ill.	June 18, 1941
Jeffries Coal Mining Co., Roundup, Mont.	June 9, 1941
J. R. Ketcham (J. R. Ketcham Coal Co.), Barboursville, Ky.	March 31, 1941
Lane View Coal Company, 31 View St., Wheeling, W. Va.	June 11, 1941
Merchants Fuel Company, Rm. 301-11 S. LaSalle St., Chicago, Ill.	May 21, 1941
Mercury Coal Sales, Inc., 16 East Broad St., Columbus, Ohio.	June 19, 1941
Ford E. Mulford, 722 Chenango St., Binghamton, N. Y.	May 27, 1941
A. J. Musholt, dba Black Diamond Coal Co., Quincy, Ill.	June 25, 1941
Louis Negron, Cardiff, Ala.	June 30, 1941
Neill Coal Corporation, Bulletin Bldg., Philadelphia, Pa.	June 17, 1941
The Northland Coal Corp., 44 E. Broad St., Columbus, Ohio.	June 21, 1941
Northland Fuels Inc., Ogden, St., Marinette, Wis.	June 11, 1941
Parker Brothers Co., Ltd., 31, West Atwater St., Detroit, Mich.	May 28, 1941
Mrs. W. J. Prowell, Linden, Ala.	June 12, 1941
J. L. Reddoch, Monroeville, Ala.	May 19, 1941

Name and address	Date application filed
Reeves & Ferguson, Wabash, Ind.	May 28, 1941
Phillip Revard, West Virginia Coal Sales Co., 505 Howland Ave., Toledo, Ohio.	June 3, 1941
The Schuster Co., Ltd., Belleville, Ontario, Canada.	June 3, 1941
Joel M. Shepherd Fuel Co., Kalamazoo, Mich.	May 21, 1941
Sherbern Industries (a partnership), 743 Washington St., Cumberland, Md.	June 16, 1941
Smith Coal Sales & Garage, M. Smith, Owner, North English, Iowa.	May 12, 1941
A. H. Thompson Company, Morgantown, West Va.	June 6, 1941
A. J. Thompson, t/a Thompson Wood & Coal Yard, 1301 B Street, Meridian, Miss.	June 7, 1941
J. L. Turner, Altoona, Pa.	June 20, 1941
Wells Fuel Co., Norman W. Wells, 1 Wachtel Ave., Petoskey, Mich.	May 19, 1941
R. M. Wheeler, Onarga, Illinois.	May 19, 1941
D. M. Whitaker (Service Coal Co.), Morristown, Tenn.	May 9, 1941
T. T. Wilson Company, 721 East 9th Street, Chattanooga, Tenn.	May 12, 1941
Joe Zelnak, Consolidated Coal Sales Co., 113 S. Prairie Ave., Kalamazoo, Mich.	May 21, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before August 1, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C.

Dated: July 10, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-4936; Filed, July 11, 1941;
10:14 a. m.]

FEDERAL COMMUNICATIONS COM- MISSION.

[Docket No. 6054]

NOTICE RELATIVE TO MISSISSIPPI VALLEY BROADCASTING COMPANY, INC. (WTMV)

Application dated March 12, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, East St. Louis, Illinois; operating assignment specified: Frequency, 1,540 kc.; power, 500 w. night; 1 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of the application would be consistent with the Standards of Good Engineering Practice, particularly as to coverage.

2. To determine the signal which WTMV operating as proposed would deliver along the northern and northwest

coast of Cuba, the interference which such signal would cause to operation of a Class II station on the frequency 1,540 kc. at Havana, Cuba, and whether the operation of WTMV as proposed would be consistent with the provisions of the North American Regional Broadcasting Agreement.

3. To determine whether use of the proposed frequency assignment with the power proposed by applicant would be an efficient use of such frequency assignment and whether such assignment could be used more efficiently with higher power and a directional antenna.

4. To determine whether the granting of the application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

5. To determine the area and population served by Station WTMV as now operated and the area and population which would be served by the operation of the station as proposed.

6. To determine whether, in view of the determinations made upon the preceding issues, public interest, convenience or necessity would be served by the granting of the application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Mississippi Valley Broadcasting Co., Inc., Radio Station WTMV, Hotel Broadview, 5th and Broadway, East St. Louis, Illinois.

Dated at Washington, D. C., July 9, 1941.

By the Commission,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-4947; Filed, July 11, 1941; 11:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-348]

IN THE MATTER OF ENGINEERS PUBLIC SERVICE COMPANY AND PUGET SOUND POWER & LIGHT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 11th day of July, A. D. 1941.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than July 14, 1941 at 12:00 o'clock Noon, E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

For the purpose of realizing economies in the payment of excess profits taxes, Engineers Public Service Company and Puget Sound Power & Light Company each severally proposes to file a consolidated excess profits tax return for the year 1940 for itself and certain affiliated companies constituting an "affiliated group of corporations" under section 730 (d) of the Internal Revenue Code as amended. Applicable regulations of the Commissioner of Internal Revenue provide that each company participating in the consolidated tax return shall be severally liable for the tax; and such consolidated returns, if filed for the year 1940, must be filed for each subsequent taxable year as long as the group remains in existence. The declarants severally propose to execute agreements with the respective companies involved whereby no company other than the common parent may be subject to any greater liability by reason of participation in such consolidated return than it would have incurred if it had filed a separate return for any such period.

The companies in the Engineers Public Service Company group are: Virginia Electric and Power Company, Baton Rouge Bus Company, Inc., The Western Public Service Company, Missouri Service Company, and The Northern Kansas Power Company.

The companies in the Puget Sound Power & Light Company group are: Puget Sound Power & Light Company, North Coast Transportation Company, Independent Stages, Incorporated, Washington Electric Company, and Diamond Ice & Storage Company.

Engineers Public Service Company is a registered holding company. Puget Sound Power & Light Company is a subsidiary thereof.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-4940; Filed, July 11, 1941; 11:30 a. m.]

[File No. 59-26]

IN THE MATTER OF FLORIDA POWER & LIGHT COMPANY, AMERICAN POWER & LIGHT COMPANY, AND ELECTRIC BOND AND SHARE COMPANY

NOTICE AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1941.

The Commission having data in its official files and records establishing or tending to establish the following matters:

1. Florida Power & Light Company (hereinafter called Florida) is a corporation organized under the laws of the State of Florida and maintains a principal office in the city of Miami, State of Florida. Florida is an electric and gas utility company within the meaning of sections 2 (a) (3) and 2 (a) (4) of the Public Utility Holding Company Act of 1935 and is a subsidiary of American Power & Light Company (hereinafter called American), a registered holding company under the Act. American is in turn a subsidiary company of Electric Bond and Share Company (hereinafter called Bond and Share), likewise a registered holding company, under the Act.

2. The capitalization and surplus of Florida per balance sheet of December 31, 1940 were as follows:

Type of security	Amount outstanding	Principal amount or stated value
First mortgage gold bonds 5% series, due 1954.....	\$52,000,000	\$52,000,000.00
Six percent gold debenture bonds, series A, due 1951....	22,000,000	22,000,000.00
Six percent bonds assumed to city of Melbourne.....	750	750.00
Shares		
\$7 preferred stock, cumulative, no par value.....	1160,000	48,954,308.00
\$6 preferred stock, cumulative, no par value.....	10,000	
\$7 second preferred stock, cumulative, no par value.....	20,000	
Common stock, no par value..	2,500,000	
Capital surplus.....		821,778.27
Earned surplus.....		7,066,584.94

¹Includes 3,856 shares held in treasury.

²Includes 12 shares issuable in exchange for preferred stocks of merged companies.

The foregoing statement of capitalization and surplus does not reflect undeclared cumulative dividends in arrears, at December 31, 1940, amounting to \$5,466,601 on the \$7 Preferred Stock, \$299,900 on the \$6 Preferred Stock and \$1,155,000 on the \$6 Second Preferred Stock of Florida.

3. Of the securities of Florida outstanding, at December 31, 1940, American Power & Light Company owned \$22,000,000 principal amount of Six Per Cent Debenture Bonds, Series A, due 1951, 13,477 shares of \$7 Preferred Stock, 10,000 shares of \$6 Preferred Stock, 20,000 shares of \$7 Second Preferred Stock and 2,500,000 shares of common stock.

4. The \$7 and \$6 Preferred Stocks rank equally as to dividends and in liquidation and have priority in both regards over the \$7 Second Preferred Stock. Each class has a liquidating value of \$100 per share plus unpaid cumulative dividends. It is provided by the charter that any class of preferred stock may be converted into any other class of stock of the corporation with the consent of a majority of the common stockholders and with the consent of the holder of the preferred stock to be converted, on terms and conditions fixed by the Board of Directors. It is further provided that second preferred stock may be converted into \$7 preferred stock upon vote of the Board of Directors, "whenever the net earnings of the consolidated corporation in excess of fixed charges and operating expenses (including therein taxes, interest, rentals, insurance and current repairs and maintenance, but not including charges for renewals and replacements) for twelve (12) consecutive calendar months within the immediately preceding fifteen months shall be in the aggregate not less than twice the amount payable as dividends for a like period upon all the shares of the \$7 Preferred Stock and of the \$6 Preferred Stock then outstanding and upon any particular amount of shares of the Second Preferred Stock then outstanding * * *."

5. The entire voting control of Florida is vested in the common stock each share of which has one vote. The preferred stock has no normal voting power, and no special voting rights are accorded the preferred stocks of Florida by reason of arrearages in dividends.

6. Florida was organized, December 28, 1925, by Bond and Share and/or American, to take over the ownership of various securities and properties, previously acquired by said companies or their agents.

7. Shortly after the organization of Florida it entered into a contract with one Lucien W. DeBuys, an intermediary representing Bond and Share and American, whereby Florida agreed to issue to DeBuys, and did issue, its securities in an aggregate principal amount or stated value of \$72,841,000, as follows:

	Principal amount or stated value
First mortgage gold bonds 5% series due 1954	\$30,000,000
78,410 shares of \$7 Preferred Stock	
50,000 shares Second Preferred Stock	42,841,000
2,500,000 shares of Common Stock	

In consideration of the issuance of the foregoing securities, DeBuys agreed to convey to Florida, and did convey, various securities, properties and contract rights, all of which had been acquired by American and Bond and Share at a cost not exceeding \$30,637,020. In addition DeBuys agreed to pay to Florida \$12,000,000 out of the proceeds of the sale of the above mentioned bond issue of Florida.

8. The aforementioned securities and properties received by Florida were placed on its books at the sum of \$64,523,013. This sum was \$33,885,993 in excess of the cost thereof to American and Bond and Share. The plant and investment accounts of Florida were thereby inflated by the amount of such excess.

9. Of the securities of Florida delivered to DeBuys as stated in paragraph 7 above, 78,410 shares of \$7 Preferred Stock, 50,000 shares of \$7 Second Preferred Stock and 2,500,000 shares of Common Stock were delivered to American, and \$30,000,000 First Mortgage Gold Bonds, 5% Series due 1954 were sold to the public through underwriters.

American converted 30,000 shares of the \$7 Second Preferred Stock into \$7 Preferred Stock, on a share-for-share basis, in 1927, and subsequently sold to the public through Bond and Share 98,684 shares of \$7 Preferred Stock of Florida for \$9,413,980. American also received \$13,763,102 from the proceeds of the sale of the bonds of Florida to the public, referred to above. American thereby retained 9,726 shares of \$7 Preferred Stock, 20,000 shares of \$7 Second Preferred Stock and 2,500,000 shares of Common Stock of Florida at a total cost not exceeding \$7,459,938. Apparently additional amounts of preferred stocks were subsequently sold to the public further reducing American's investment to \$6,714,694.

10. Neither the selling literature used in connection with the sale of these securities to the public, nor Florida's Balance Sheet reflected the fact that the plant and investment accounts of Florida had been inflated \$33,885,993 over the cost to the promoters of that company.

11. As the result of the issuance and sale of Florida's securities at, and immediately subsequent to organization in the manner described above, the public

acquired \$39,868,400 principal amount and liquidating value of Florida's securities at a total cost in excess of \$36,352,104. For such investment in excess of \$36,352,104, the public received no voting power whatever. On the other hand, American, with an investment cost not in excess of \$7,459,938 (subsequently reduced to \$6,714,694) retained securities having a stated value of \$32,972,600¹ and 100% of the voting control. Although the ratios of the investment of the public and of American have changed from time to time, American has at all times owned all the common stock of Florida. In consequence, American has been in complete control of Florida from inception until the present.

12. In order to carry on its operations, Florida commenced borrowing from American at organization, and by the end of the first full month of operation (January 31, 1926), Florida was indebted to American in the sum of \$1,267,372. By the end of 1926, this indebtedness had increased to \$22,680,000 (after repayments aggregating \$15,701,842). On such indebtedness American caused Florida to pay interest at the rate of 7%.

13. On December 31, 1926, American caused Florida to issue to it 6% debentures due 1951, in the principal amount of \$22,000,000, in cancellation of approximately \$22,000,000 of open account indebtedness owing by Florida to American.

14. After the cancellation of the \$22,000,000 of indebtedness by issuance of the aforementioned debentures to American, Florida continued to be indebted to American in the amount of \$680,000. This indebtedness was increased by further borrowings, and was subsequently decreased by cash repayments. At the end of 1938, the balance owing to American was \$1,030,000 all of which was repaid during 1939. From 1925 to December 31, 1927 interest was paid on these loans at the rate of 7%, and thereafter at the rate of 6%.

15. On December 31, 1927, American caused Florida to issue to it 10,000 shares of \$6 preferred stock, for which a cost of \$940,000 is shown on American's ledgers.

16. Subsequent to the organization of Florida and until the present American purchased no common stock of Florida. However, additional bonds in the total

¹ Represents liquidating value of \$100 per share for 9,726 shares of \$7 Preferred Stock and 20,000 shares of \$7 Second Preferred Stock, and residual stated value of \$30,000,000 for the common stock remaining after assigning liquidating value to all classes of preferred stocks outstanding.

principal amount of \$22,000,000 and a total of 23,035 shares of \$7 preferred stock were sold to the public in addition to the securities described above in paragraph 9 for aggregate considerations of \$20,229,172 and \$2,179,079, respectively. In addition 21,543 shares of \$7 preferred stock were issued in exchange for the capital stock of the Southern Utilities Company.

17. The ratios of debt and senior securities of Florida to total capitalization have increased subsequent to organization and the ratios of common stock and surplus have correspondingly declined. The following table sets forth capitalization ratios per books at December 28, 1925, December 31, 1927, and December 31, 1940:

	Capitalization per books ¹	
	Principal amount or stated value	Percent
December 28, 1925:		
Funded debt.....	\$30,000,000	40.7
Preferred stock.....	12,284,100	16.7
Common stock and surplus.....	31,344,282	42.6
Total.....	73,628,382	100.0
December 31, 1927:		
Funded debt.....	74,000,000	59.3
Preferred stock.....	18,300,000	14.7
Common stock and surplus.....	32,490,367	26.0
Total.....	124,790,367	100.0
December 31, 1940:		
Funded debt.....	74,000,750	56.5
Preferred stock.....	² 19,000,000	14.5
Common stock and surplus.....	37,842,671	28.9
Total.....	130,843,421	100.0

¹ The various classes of stock are not segregated in the capital stock account. For the purpose of figuring these ratios, the preferred stocks have been assigned amounts to which they are entitled in liquidation (\$100 per share), and the remainder of the capital stock account has been allocated to common stock.

² Does not include preferred dividend arrearages in amount of \$6,921,501.

18. So far as is known, no substantial amount of the inflation initially included in plant and investment accounts of Florida has been removed. It appears that additional inflation in amounts of approximately \$2,180,000 in 1926 and \$4,000,000 in 1932 has been introduced into plant and investments in connection with acquisitions and additions, with the result that the total of such inflation at December 31, 1940 apparently equaled at least \$40,065,993.

19. The following table sets forth the capitalization and surplus of Florida for the same periods shown in paragraph 17, as adjusted to eliminate the inflation in the plant and investment accounts as described in paragraph 18, and to provide for preferred dividend arrearages in the amount of \$6,921,501 at December 31, 1940:

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	Capitalization as adjusted ¹	
	Principal amount or stated value	Percent
December 28, 1925:		
Funded debt.....	\$30,000,000	75.5
Preferred stock.....	12,284,100	30.9
Common stock and surplus.....	(2,541,711)	(6.4)
Total.....	39,742,389	100.0
December 31, 1927:		
Funded debt.....	74,000,000	83.4
Preferred stock.....	18,300,000	20.6
Common stock and surplus.....	(3,577,626)	(4.0)
Total.....	88,722,374	100.0
December 31, 1940:		
Funded debt.....	74,000,750	81.5
Preferred stock.....	25,921,501	28.6
Common stock and surplus.....	(9,144,823)	(10.1)
Total.....	90,777,428	100.0

¹ The various classes of stock are not segregated in the capital stock account. For the purpose of figuring these ratios, the preferred stocks have been assigned amounts to which they are entitled in liquidation (\$100 per share), and the remainder of the capital stock account has been allocated to common stock.

20. At December 31, 1940, the plant, property and investments account of Florida stood on its books at \$136,312,793¹ and reserve for retirements and depreciation aggregated \$4,977,558, or 3.65% of total plant, property and investments. The reserve for retirements and depreciation provided by Florida as at December 31, 1940 is \$21,490,691 less than such reserve would have been had Florida accrued for retirements and depreciation an amount equal to the sum allowed or claimed² for depreciation in Federal income tax returns.

21. If adjustment be made in the plant, property and investment accounts of Florida to provide for the difference between the amount deducted by Florida for depreciation for tax purposes and the sum accrued for depreciation and retirements on the books of the company, and if there be removed from the plant, property and investment accounts the inflation of approximately \$40,065,993 set forth in paragraph 18, with corresponding adjustments to capital structure, the result is as follows:

	Per books Dec. 31, 1940	To remove inflation	Difference between amounts deducted for depreciation in tax returns and amounts accrued for retirements and depreciation on books of Florida	As adjusted Dec. 31, 1940
Fixed property.....	\$136,312,793	(\$40,065,993)		\$96,246,800
Retirement reserve.....	4,977,588		\$21,490,691	26,468,279
Net property.....	131,335,205	(40,065,993)	(21,490,691)	69,778,521

Capitalization	Per books, Dec. 31, 1940	To remove inflation and difference between amounts deducted for depreciation in tax returns and amounts accrued for retirements and depreciation on books of Florida ¹	As adjusted, Dec. 31, 1940	Percent
Funded debt.....	\$74,000,000	\$4,714,013	\$69,285,987	100.0
Preferred stock.....	² 25,921,501	25,921,501		
Common stock and surplus.....	30,921,170	30,921,170		
Total.....	130,842,671	61,556,684	69,285,987	100.0

¹ Capital Structure adjustments shown herein are made in accordance with the nominal priorities of the respective classes of securities, without regard to any possible subordination of senior securities held by parent company.

² Includes preferred dividend arrearages in amount of \$6,921,501.

The ratio of Funded Debt to Net Property and investments, as adjusted in the foregoing table, is 106%.

22. By reason of the issuance by Florida to American of the \$22,000,000 principal amount of debentures as set forth above in paragraph 14, Florida has been required to pay to American as interest on such debentures the sum of \$1,320,000 per annum. Such sum has

been paid each year from 1926 until the present, and the sum thus paid over the period from January 1, 1926 until De-

¹ Includes investments in Consumers Water Company, Miami Water Company, and Miami Beach Railway Company in an indeterminate amount.

² For all tax years not as yet closed by statute, agreement has been reached as to the sum allowed by conference between the company and the Bureau of Internal Revenue.

December 31, 1940, aggregated \$18,480,000. Commencing September 30, 1932, Florida found it necessary to pass or curtail dividends on its Second Preferred Stock, and commencing December 31, 1932 on its \$7 and \$6 Preferred Stocks. The amount of accumulated arrearages on each class of preferred stock at year ends from 1932 to 1940 is as follows:

	\$7 preferred	\$6 preferred	\$7 second preferred	Total
1932.....			\$35,000.00	\$35,000.00
1933.....	\$1,093,008.00	\$60,000.00	175,000.00	1,328,008.00
1934.....	2,186,016.00	120,000.00	315,000.00	2,621,016.00
1935.....	3,279,024.00	180,000.00	455,000.00	3,914,024.00
1936.....	4,372,032.00	240,000.00	595,000.00	5,207,032.00
1937.....	5,465,040.00	300,000.00	735,000.00	6,500,040.00
1938.....	6,558,048.00	360,000.00	875,000.00	7,793,048.00
1939.....	7,651,056.00	420,000.00	1,015,000.00	9,086,056.00
1940.....	8,744,064.00	480,000.00	1,155,000.00	10,379,064.00

23. In addition to the sums paid to American as interest and as dividends on the various classes of preferred stocks, Florida declared and paid to American as dividends on its Common Stock the sum of \$5,075,000 from 1926 until 1932, the year in which dividends on Florida's preferred stocks were suspended or curtailed.

24. At or shortly after the inception of Florida, Bond and Share and American caused Florida and its subsidiaries to enter into a service and supervision contract with Bond and Share pursuant to which there was paid to Bond and Share and its wholly owned subsidiaries from 1926 to 1939, inclusive, sums aggregating \$5,367,787.

25. As indicated in paragraph 21 above, accumulated arrearages on the \$7 preferred stock at December 31, 1940, aggregated \$5,466,601. All of such preferred stock is owned by the public with the exception of the 13,477 shares owned by American. Arrearages on the 10,000 shares of \$6 preferred stock owned by American aggregated \$299,900. In April 1941, Florida received a sum in excess of \$5,000,000 through the sale to the City of Miami, Florida of its investment in the Miami Water Company and the sale to other interests of its investment in the Miami Beach Railway Company. Cumulative dividends in arrears on the \$7 preferred stock amounted to \$35.01 per share, and \$29.99 per share on the \$6 preferred stock at December 31, 1940. On June 16, 1941, the directors of Florida declared dividends of approximately \$5,694,198² payable July 1, 1941 to stockholders of record as of June 21, 1941, in full payment of \$34.57 per share accumulated arrearages on the \$7 Preferred Stock and \$29.63 per share on the \$6 Preferred Stock. Of the \$5,694,198 to be paid out as such dividends, \$4,932,598 will be received by the public as the owners of 142,667² shares of \$7 Preferred Stock and \$761,600 will be received by American as the owners of 13,477² shares

² Based on shares outstanding December 31, 1940.

of \$7 Preferred Stock and all the \$6 Preferred Stock.

It appearing to the Commission in the light of the foregoing that it is appropriate and in the public interest and in the interests of investors and consumers to institute proceedings against Florida, American, and Bond and Share under sections 11 (b) (2), 12 (b), 12 (c), 12 (f), and 15 (f) of the Public Utility Holding Company Act of 1935 in order to determine whether certain orders should be entered pursuant to the provisions of any of said sections all as hereafter set forth; and

It further appearing to the Commission that the determination of the questions heretofore and hereafter stated may make appropriate or necessary the repayment by American to Florida of the sums received or to be received by American as dividends pursuant to the dividend declaration of the directors of Florida under date of June 15, 1941; and

It further appearing to the Commission that evidence bearing on the matters recited above and upon the questions to be determined, is contained in the record of a proceeding pending before the Commission entitled, In the Matter of Electric Bond and Share Company, File No. 59-12;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on August 11, 1941 at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That H. B. Teegarden or any other officer or officers of the Commission designated by it for that purpose shall preside at the consolidated hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to exert all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, particular attention will be directed at said consolidated hearing to the following matters and questions:

1. Whether the facts set forth above are true and accurate.

2. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to require that Florida restate its plant and investment, surplus, capital, and other accounts pursuant to section 15 (f) of the Public Utility Act of 1935 and rules thereunder so as to segregate, dispose of, and eliminate write-ups and intangibles in the plant and investment accounts, set up adequate reserves for retirements and depreciation of plant and property, and make other adjustments in conformance with the Uniform System of Ac-

counts of the Federal Power Commission and the standards of the Act.

3. Whether it is necessary or appropriate to enter an order pursuant to section 12 (c) of the Act prohibiting the declaration or payment by Florida of any dividends on its \$6 preferred stock, \$7 second preferred stock, or common stock, in order to protect the financial integrity or safeguard the working capital of Florida or to prevent the payment of dividends out of capital or unearned surplus, or to prevent the circumvention of the provisions of the Act or the rules, regulations, or orders thereunder.

4. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent circumvention of the provisions of the Act, to enter an Order pursuant to section 12 (b), 12 (c), and 12 (f) of the Act, and applicable rules thereunder, prohibiting or restricting future payments by Florida of interest or principal on the \$22,000,000 principal amount Six Per Cent Debenture Bonds, Series A due 1951, issued to American on December 31, 1926.

5. Whether it is appropriate or necessary for the protection of investors or consumers, to prevent the circumvention of the provisions of this Act, to protect the financial integrity of Florida, to cause Florida to conform to the requirements of section 11 (b) (2) of the Act, or otherwise, to enter an Order requiring that the \$22,000,000 principal amount Six Per Cent Debenture Bonds, Series A due 1951, of Florida and/or the 10,000 shares \$6 Preferred Stock of Florida held by American shall be converted into common stock of Florida, or otherwise subordinated to its publicly held securities.

6. Whether it is appropriate or necessary for the protection of investors or consumers, to prevent the circumvention of the provisions of the Act, to protect the financial integrity or safeguard the working capital of Florida, or otherwise, to cause American to repay to Florida the sums received or to be received on or about July 1, 1941, as dividends on the \$7 and \$6 preferred stock of Florida held by American.

7. Whether, for the purpose of fairly and equitably distributing voting power among the security holders of Florida pursuant to the provisions of section 11 (b) (2) of the Act, it is necessary or appropriate to require that Florida shall revise and simplify its capital structure and take other steps to fairly and equitably redistribute voting power among its security holders.

It is further ordered, That, in order to ensure effectuation of such final orders as the Commission may enter following termination of the hearing ordered above, upon receipt by American of the dividends declared by Florida's directors payable July 1, 1941, on the \$7 and \$6 Preferred Stock of Florida owned by

American, American shall deposit and retain the funds so received in a special account, pending the outcome of the present proceeding and final determination by the Commission of the disposition to be made of such funds.

It is further ordered, In the interest of expeditious procedure that all evidence

with respect to Florida Power and Light Company contained in the record of the proceeding entitled, "In the Matter of Electric Bond and Share Company et al., File No. 59-12," shall be incorporated in the record of the proceeding herein ordered, and shall be regarded as evidence duly adduced in the present proceed-

ing, subject to the same objections and exceptions preserved in the record of the proceeding in which first introduced.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-4941; Filed, July 11, 1941;
11:30 a. m.]

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